

TOWN PLANNING BOARD

Minutes of 541st Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 18.9.2015

Present

Director of Planning
Mr K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor Eddie C.M. Hui

Dr C.P. Lau

Dr W.K. Yau

Professor K.C. Chau

Mr Ivan C.S. Fu

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Chief Traffic Engineer/New Territories West,
Transport Department
Mr Kelvin K.M. Siu

Chief Engineer (Works), Home Affairs Department
Mr Martin W.C. Kwan

Principal Environmental Protection Officer (Strategic Assessment),
Environmental Protection Department
Mr Johnson M.K. Wong

Assistant Director/Regional 3,
Lands Department
Mr Edwin W.K. Chan

Deputy Director of Planning/District
Ms Lily Y.M. Yam

Secretary

Absent with Apologies

Ms Anita W.T. Ma

Mr Lincoln L.H. Huang

Mr H.F. Leung

In Attendance

Chief Town Planner/Town Planning Board
Ms Doris S.Y. Ting

Town Planner/Town Planning Board
Ms Winnie W.Y. Leung

Agenda Item 1

Confirmation of the Draft Minutes of the 540th RNTPC Meeting held on 4.9.2015

[Open Meeting]

1. The draft minutes of the 540th RNTPC meeting held on 4.9.2015 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

2. The Secretary reported that there were no matters arising.

Sai Kung and Islands District

Agenda Item 3

Section 12A Application

[Open Meeting]

Y/SK-CWBS/4

Application for Amendment to the Approved Clear Water Bay Peninsula South Outline Zoning Plan No. S/SK-CWBS/2, to rezone the application site from “Conservation Area” to “Other Specified Uses” annotated “Sewage Treatment Plant” zone, Government Land in D.D. 241, Po Toi O, Sai Kung

(RNTPC Paper No. Y/SK-CWBS/4A)

3. The Secretary reported that the application was submitted by the Drainage Services Department (DSD). The following Members had declared interests in the item:

Professor S.C. Wong

- being the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong and his colleague had current business dealings with DSD

Ms Janice W.M. Lai

- having current business dealings with DSD

4. The Committee noted that Ms Lai had not yet arrived at the meeting. As the applicant had requested for a deferral of consideration of the application, the Committee agreed that Professor Wong could stay in the meeting.

5. The Committee noted that the applicant requested on 1.9.2015 for deferment of the consideration of the application for one month in order to allow time for preparation of further information to address the further comments of relevant government departments. This was the second time that the applicant requested for deferment of the application.

6. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that one month was allowed for preparation of the submission of further information. Since it was the second deferment of the application and a total of three months had been allowed, no further deferment would be granted unless under very special circumstances.

[Mr William W.T. Wong and Mr Richard Y.L. Siu, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HH/69 Renewal of Planning Approval for Temporary School (Kindergarten) for a Period of 3 Years in “Other Specified Uses” annotated “Residential Cum Marina Development” zone, Shop D and Yard, Ground Floor, Marina Cove Shopping Centre, Sai Kung
(RNTPC Paper No. A/SK-HH/69)

Presentation and Question Sessions

7. With the aid of a Powerpoint presentation, Mr William W.T. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) renewal of planning approval for temporary school (kindergarten) under Application No. A/SK-HH/54 for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Relevant government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, 15 public comments from the Marina Cove Management Office and 14 individuals were received. The 14 individual commenters supported the application. The Marina Cove Management Office had no in-principle objection to the application but was of the view that the applicant should ensure sufficient manpower to take care of the students when undertaking outdoor recreational activities; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary kindergarten could be tolerated for a further period of 3 years

based on the assessments set out in paragraph 11 of the Paper. Approval of the renewal application on a temporary basis for a period of 3 years would not frustrate the planning intention of the “Other Specified Uses” annotated “Residential cum Marina Development” zone. The use was not incompatible with the surrounding land uses and relevant government departments had no objection to or no adverse comment on the application. The current renewal application was in line with the Town Planning Board Guidelines No. 34B in that there was no material change in planning circumstances since the previous temporary approval had been granted; there were no adverse planning implications arising from the renewal of the planning approval; all the planning conditions of the previous approval had been complied with; and the 3-year approval period under the current applicant was considerate reasonable.

8. Members had no question on the application.

Deliberation Session

9. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years from 19.9.2015 to 18.9.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) to implement and maintain the traffic arrangements as proposed by the applicant during the planning approval period to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (c) the submission of proposal for fire service installations and water supplies for fire fighting within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire

Services or of the TPB by 19.3.2016;

- (d) in relation to (c) above, the implementation of fire service installations and provision of water supplies for fire fighting within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.6.2016; and
- (e) if any of the above planning conditions (c) or (d) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

10. The Committee also agreed to advise the applicant of the following :

- “(a) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards;
- (b) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. The arrangement of emergency vehicular access shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 which is administered by the Buildings Department;
- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that adequate stormwater drainage collection and disposal facilities should be provided in connection with the proposed developments to deal with the surface runoff of the application site or the same flowing onto the site from the adjacent areas without causing any adverse drainage impacts or nuisance to the adjoining areas; and

- (d) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department that the temporary school (kindergarten) is required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority; and the granting of the planning approval should not be construed as an acceptance of the unauthorised structures, if any, on site under the Buildings Ordinance. Enforcement action may be taken to effect the removal of all unauthorised works in the future.”

Agenda Item 5

Section 16 Application

[Open Meeting]

A/SK-TLS/45 Temporary Soil Track (Temporary Access Road for House Development) for a Period of 11 Months in “Green Belt” and “Village Type Development” zones, Lots 1066 (Part), 1067 (Part), 1071 S.A (Part) and 1071 S.B (Part) in D.D. 253 and Adjoining Government Land, Au Tau Village, Sai Kung
(RNTPC Paper No. A/SK-TLS/45B)

11. The Committee noted that the applicant requested on 2.9.2015 for deferment of the consideration of the application for two months in order to allow time for revision of the Geotechnical Planning Review Report to address the concern raised by the Civil Engineering and Development Department. This was the third time that the applicant requested for deferment of the application.

12. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further

information. Since it was the third deferment of the application and a total of six months had been allowed, it was the last deferment and no further deferment would be granted.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-PC/9 Eating Place in “Other Specified Uses” annotated “Pier” zone, Shop
No. PC2, Peng Chau Ferry Pier, Lo Peng Street, Peng Chau
(RNTPC Paper No. A/I-PC/9)

13. The Secretary reported that the application was submitted by Hong Kong & Kowloon Ferry Limited which was a subsidiary of Henderson Land Development Company Limited (HLD). The following Members had declared interests in the item:

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|---------------------|---|--|
| Mr Ivan C.S. Fu |] | |
| |] | having current business dealings with HLD |
| Ms Janice W.M. Lai |] | |
| Professor S.C. Wong |] | being employees of the University of Hong |
| |] | Kong which had received a donation from a |
| Mr H.F. Leung |] | family member of the Chairman of HLD |
| Professor K.C. Chau | - | being an employee of the Chinese University of
Hong Kong which had received a donation from
a family member of the Chairman of HLD |
| Dr W.K. Yau | - | being a Director of a non-governmental
organization which had received a donation
from HLD |
| Ms Christina M. Lee | - | being the Secretary-General of the Hong Kong
Metropolitan Sports Events Association which
had received sponsorship from HLD |
| Mr Peter K.T. Yuen | - | being a member of the Board of Governors of
the Hong Kong Arts Centre which had received
a donation from the Executive Director of HLD |

14. The Committee noted that Ms Lai and Dr Yau had not yet arrived at the meeting and Mr Leung had tendered apologies for being unable to attend the meeting. As the interest of Mr Fu was direct, the Committee agreed that he should be invited to leave the meeting temporarily for the item. The Committee also noted that the interests of Professor Wong, Professor Chau, Ms Lee and Mr Yuen were indirect and agreed that they could stay in the meeting.

[Mr Ivan C.S. Fu left the meeting temporarily and Ms Christina M. Lee arrived to join the meeting at this point.]

Presentation and Question Sessions

15. With the aid of a Powerpoint presentation, Mr Richard Y.L. Siu, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the eating place;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Relevant government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer/Islands; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The eating place under application was small in scale and was considered not incompatible with the pier use in that it would provide convenient services to ferry passengers and visitors using the ferry pier and the waterfront area. It was separated from the entrance/exit and the waiting area of the ferry pier, and would unlikely cause disruption to the pier

operation and passenger circulation in the pier. Concerned government departments had no objection to or no adverse comment on the application.

16. Members had no question on the application.

Deliberation Session

17. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission was subject to the following conditions :

- “(a) the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.3.2016; and
- (b) if the above planning condition (a) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

18. The Committee also agreed to advise the applicant of the following :

- “(a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) to note the comments of the Government Property Administrator that upon approval of the application, the applicant is required to submit an application to the Government Property Agency for the commercial concession at the application premises for approval;
- (c) to note the comments of the Director of Food and Environmental Hygiene that should the application premises be used for operating a food business, a relevant food business licence/permit issued by the Food and Environmental Hygiene Department may be required to cover the food business activities thereat;

- (d) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
- (e) to note the comments of the Chief Engineer/Hong Kong and Islands, Drainage Services Department (DSD) that public sewer exists in the vicinity of the eating place at the ferry pier. The applicant is therefore required to carry out drainage connection works at his own cost to the satisfaction of DSD. The applicant/lot owner is reminded to check the capacity of the existing sewer drain due to imposed drainage loading from the application.”

[Mr Ivan C.S. Fu returned to join the meeting at this point.]

Agenda Item 7

Section 16 Application

[Open Meeting]

A/TKO/101 Proposed Low-Density Residential Development in “Green Belt” zone, Lot 453RP (Part) in D.D. 401 and Adjoining Government Land, Po Lam Road, Tseung Kwan O
(RNTPC Paper No. A/TKO/101)

19. The Secretary reported that the application was submitted by Fortune Board Limited with Urbis Limited (Urbis) as one of the consultants of the applicant. Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests in the item as they had current business dealings with Urbis. The Committee noted that Ms Lai had not yet arrived at the meeting. As the applicant had requested for a deferral of consideration of the application, the Committee agreed that Mr Fu should be allowed to stay in the meeting.

20. The Committee noted that the applicant’s agent requested on 31.8.2015 for deferment of the consideration of the application for two months in order to allow time for

preparation of further information to address the comments of relevant government departments. This was the first time that the applicant requested for deferment of the application.

21. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information and no further deferment would be granted unless under very special circumstances.

[The Chairman thanked Mr William W.T. Wong and Mr Richard Y.L. Siu, STPs/SKIs, for their attendance to answer Members' enquiries. They left the meeting at this point.]

Fanling, Sheung Shui and Yuen Long East District

[Ms Maggie M.Y. Chin, District Planning Officer /Fanling, Sheung Shui and Yuen Long East (DPO/FS&YLE), Mr K.T. Ng, Mr Jeff K.C. Ho, Mr Kevin C.P. Ng and Mr Kepler S.Y. Yuen, Senior Town Planners/Fanling, Sheung Shui and Yuen Long East (STPs/FS&YLE), were invited to the meeting at this point.]

[Ms Janice W.M. Lai arrived to join the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/476 Proposed Temporary Cross-Boundary Shopping Centre with Ancillary Car Park, Eating Place, Shop and Services (Fast Food Shop), Office and Storage of Consumer Goods for a Period of 3 Years in “Other Specified Uses” annotated “Service Stations” zone, Lots 661 S.C RP, 669 RP, 674 RP (Part), 733 RP (Part) in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long

(RNTPC Paper No. A/YL-ST/476)

22. The Secretary reported that the application was submitted by Topcycle Development Limited which was a subsidiary of the Henderson Land Development Company Limited (HLD), with Mannings (Asia) Consultants Limited (MCL) as one of the consultants of the applicant. The following Members had declared interests in the item:

- | | |
|---------------------|--|
| Mr Ivan C.S. Fu |] |
| |] having current business dealings with HLD |
| Ms Janice W.M. Lai |] |
| Professor S.C. Wong | - being an employee of the University of Hong Kong which had received a donation from a family member of the Chairman of HLD and having current business dealings with MCL |
| Mr H.F. Leung | - being an employee of the University of Hong Kong which had received a donation from a family member of the Chairman of HLD |
| Professor K.C. Chau | - being an employee of the Chinese University of Hong Kong which had received a donation from a family member of the Chairman of HLD |
| Dr W.K. Yau | - being a Director of a non-governmental organization which had received a donation from HLD |
| Ms Christina M. Lee | - being the Secretary-General of the Hong Kong |

Metropolitan Sports Events Association which had received sponsorship from HLD

Mr Peter K.T. Yuen

- being a member of the Board of Governors of the Hong Kong Arts Centre which had received a donation from the Executive Director of HLD

23. The Committee noted that Dr Yau had not yet arrived at the meeting and Mr Leung had tendered apologies for being unable to attend the meeting. As the interests of Mr Fu and Ms Lai were direct, the Committee agreed that they should be invited to leave the meeting temporarily for the item. The Committee also noted that the interests of Professor Wong, Professor Chau, Ms Lee and Mr Yuen were indirect and agreed that they could stay in the meeting.

[Mr Ivan C.S. Fu and Ms Janice W.M. Lai left the meeting temporarily at this point.]

24. The Secretary reported that two emails from the North District Parallel Imports Concern Group (北區水貨客關注組) and Population Policy Concern Group (人口政策關注組) objecting to the application as well as Application No. A/YL-ST/477 were received on 17.9.2015. Moreover, three petition letters submitted by the San Tin Rural Committee and other local residents raising objection to the said two applications were also received before the meeting. In accordance with the provision of the Town Planning Ordinance, as all those comments were received after the expiration of the statutory publication period, they should be treated as not having been made.

25. The following representatives from the Transport Department (TD) were invited to the meeting at this point:

Mr H.L. Chan

- Senior Engineer/Boundary

Ms Louisa W.K. Fung

- Chief Transport Officer/Boundary

Presentation and Question Sessions

26. With the aid of a Powerpoint presentation, Ms Maggie M.Y. Chin,

DPO/FS&YLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed temporary cross-boundary shopping centre with ancillary car park, eating place, shop and service (fast food shop), office and storage of consumer goods for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) had no objection to the application and advised that the applicant should revise the Environmental Assessment to address his detailed comments. The Commissioner for Transport (C for T) had no in-principle objection to the application but advised that further details on the proposed designated shuttle bus and free shuttle bus services should be provided by the applicant. Moreover, the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had no in-principle objection to the application but required the applicant to submit a revised Drainage Impact Assessment to address his detailed comments. Other relevant government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, 211 public comments were received, of which 195 were supporting comments and the remaining 16 were objecting comments. The supporting comments were submitted by individuals mainly on the grounds of meeting the high demand for shopping facilities in Yuen Long, Sheung Shui and cross-boundary areas; promoting economic growth, improving the local environment, creating job opportunities; supporting local industry and local brands; efficient utilisation of land; minimising the disruption to the local residents; and alleviating the current heavy pedestrian and vehicular traffic problems in Yuen Long and Sheung Shui areas. The objecting comments were received from the San Tin Rural Committee, a member of Heung Yee Kuk, Conservancy Association, Designing Hong Kong Limited, two

members of Yuen Long District Council and 10 private individuals. The major views were that the proposed development would create adverse impacts on ecology, noise, pedestrian and vehicular traffic, security, hygiene, drainage and sewerage aspects; the living environment of the nearby residents would be affected; there was no control on the goods to be sold at the proposed development; the proposed development was not in line with the planning intention of the “Other Specified Uses” annotated “Service Stations” (“OU(SS)”) zone; approval of the application would set an undesirable precedent for similar applications in the area; and the proposed development would aggravate the problem of parallel trading activities in the area;

- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed use could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. There was no immediate proposal for permanent development and approval of the current application at the site on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “OU(SS)” zone. The site was strategically located in close proximity to the Lok Ma Chau cross-boundary area. The proposed development was not incompatible with the surrounding areas which were predominantly occupied by vehicle parks, rural workshops, open storage yards/warehouses and village houses. Although the site fell within the Wetland Buffer Area (WBA), the site was far away from the fish ponds/wetlands in the Deep Bay area and the proposed development would unlikely have significant off-site negative impact on the ecological value of the Wetland Conservation Area (WCA). Various technical assessments conducted by the applicant confirmed that the proposed development would not cause adverse impact on the surrounding areas. Relevant government departments had no objection to or no adverse comment on the application and their technical concerns could be addressed by imposing relevant approval conditions. There were six previously approved applications mainly for temporary uses at the site and approval of the subject application would be consistent with the Committee’s previous decisions on temporary uses of the site. Regarding

the objecting public comments, the above assessments were relevant.

27. A Member asked whether the applicant had provided any information on the types and order of goods to be sold in the proposed temporary cross-boundary shopping centre (the shopping centre) and the average duration of stay of the visitors therein. Ms Maggie M.Y. Chin, DPO/FS&YLE, said that since the proposed shopping centre was to help alleviate the pressure in the traditional popular tourist shopping areas in new towns, the types and order of goods to be sold would be similar to those of the existing shopping areas. Besides, according to the applicant, about 50% of the retail shops would be designated for selling of “Made in Hong Kong” products designed or manufactured in Hong Kong in order to support local industry and local products. Regarding the visitors’ duration of stay in the shopping centre, no specific information was provided by the applicant. Nevertheless, according to the traffic impact assessment (TIA), those tourists joining local coach tours might likely be attracted to the shopping centre after their dismissal at the San Tin Public Transport Interchange (PTI) between 6 p.m. and 8 p.m.. As such, it was anticipated that those tourists might spend 2 to 4 hours in the shopping centre until it closed at 11 p.m., but the actual duration would depend on the needs of the tourists.

[Dr W.K. Yau arrived to join the meeting at this point.]

28. The Chairman asked whether there was any information on the estimated peak hours of visitors arriving at and leaving the shopping centre. In response, Ms Louisa W.K. Fung, Chief Transport Officer/Boundary, TD, said that according to the TIA, the Designated Shuttle Bus transporting the visitors directly from Mainland to the shopping centre would begin at 9:30 a.m. As to the free shuttle bus connecting the shopping centre and the San Tin PTI, the TIA proposed that it be operated from 6 p.m. to 10 p.m. on weekdays. Ms Maggie M.Y. Chin said that it was estimated in the TIA that about 50% of the visitors would use the above scheduled services provided by the applicant. The Designated Shuttle Bus from Mainland would start at 9:30 a.m. whilst the services for returning to Mainland would start at 12 noon. For the free shuttle bus service, it would operate from 6 p.m. to 10 p.m. on weekdays and from 10 a.m. to 12 noon and from 6 p.m. to 10 p.m. on weekends and holidays. The above were the preliminary proposal of the applicant and further details would have to be worked out in consultation with TD. To address TD’s concern on the details of the shuttle bus services, approval conditions were recommended requiring the applicant to submit and

implement a public transport services proposal should the application be approved.

29. The same Member raised concern on the potential operation and security problems associated with the selling of high order goods, such as jewellery, in the shopping centre. The Member also wondered if the Board, in assessing the application, should take into account other considerations, including whether the proposed shopping centre, though managed by a non-profit making foundation as claimed by the applicant, might bring some kinds of deferred benefits to the applicant; and whether the approval of the application would create a reasonable expectation from others that the site should be used for shopping centre in future. In response, the Chairman said that whether the proposed development would involve deferred benefits to the applicant and the public's perception on the future use of the site were not valid planning considerations. Members should consider the application based on the land use suitability and possible impacts of the proposal on the surrounding. Ms Maggie M.Y. Chin supplemented that the applicant had not provided any information on whether valuable commodities would be sold in the shopping centre. After all, the kinds of commodities to be sold were purely a commercial decision of the applicant. Regarding the security concern of the proposed shopping centre, the applicant had liaised with the Commissioner of Police on the necessary security measures and fence walls would be erected around the site.

30. A Member raised the following questions:

- (a) noting that the San Tin Rural Committee and local residents had objected to the application on traffic grounds, was there any significant difference in terms of nature and traffic impact between the existing temporary use and the proposed temporary use under the current application;
- (b) whether the proposal on the site, which fell within the WCA, was a designated project under the Environmental Impact Assessment Ordinance (EIAO); and
- (c) why the application was submitted for the consideration of the Committee within such a short time as the application was just received on 6.8.2015, in particular when a number of technical concerns as set out in paragraph 13.3

of the Paper had remained unaddressed.

31. In response, Ms Maggie M.Y. Chin made the following main points:

- (a) the existing temporary use for cross-boundary traffic service station including public car park, container freight station, container storage, container tractor/trailer park, vehicle repair workshop, office with ancillary services trades and staff canteen on the site was a kind of port back-up use, which was of different nature from the proposed shopping centre under the current application. In terms of traffic impact, the proposed shopping centre would generate more traffic than the existing temporary use. It was estimated that there would be about 9,000 and 12,000 visitors per day during weekdays and during weekends and holidays respectively. Among the visitors, 85% would be from Mainland and 15% from local;
- (b) the site fell within the WBA. The proposal was not a designated project under the EIAO, and hence an environmental impact assessment was not required. The Environmental Assessment, covering noise, sewerage and drainage aspects, conducted by the applicant concluded that the proposed development, with the implementation of appropriate mitigation measures, would not cause adverse environmental impact;
- (c) the application was received in August. As it was a statutory requirement that all s.16 applications had to be submitted to the Board for consideration within 2 months from the date of receipt of the applications, the submission of the application for consideration at the current meeting complied with the statutory requirement. In support of the application, the applicant had submitted various technical assessments including environmental assessment, drainage impact assessment, TIA as well as technical reports on water supply, sewerage impact, fire services installation and utility provision. Relevant government departments had no in-principle objection to or no adverse comment on the application and considered that the proposed development would not have significant impacts on the surrounding areas. To address the technical concerns of relevant

government departments, in particular on the details of the public transport services proposals, drainage and environmental assessments, a total of 15 approval conditions had been recommended.

[Dr C.P. Lau left the meeting temporarily and Professor Eddie C.M. Hui arrived to join the meeting at this point.]

32. As requested by the Chairman, Ms Maggie M.Y. Chin displayed a plan to clarify that the site fell within the WBA but not the WCA. The site had been formed and used for temporary uses since 1997. According to the Director of Agriculture, Fisheries and Conservation, the site was about 300m away from the nearest fish ponds to the west and the wetlands in the Deep Bay area. The proposed development would unlikely have significant ecological impact on the WCA, and there was no need for the applicant to submit an Ecological Impact Assessment.

33. A Member considered that the temporary use under application, which was a private initiative, might not be able to meet the long-term need of the society. The Member asked whether the Government had any policy/long-term planning for a permanent cross-boundary shopping centre near the boundary control points to cater for the shopping needs of the Mainland visitors. In response, the Chairman said that the use under the current application was only temporary in nature. Upon expiration of the 3-year planning permission, the applicant would have to submit an application for renewal of planning approval for the temporary use. The Committee might then consider whether the renewal application should be approved having regard to the prevailing planning circumstances at that time. In the event that the temporary use continued without a valid planning permission, it would be regarded as an unauthorised development and enforcement action would be taken. The Chairman said that the provision of a permanent, comprehensively planned cross-boundary shopping centre was a long-term planning issue which might be considered in the context of planning future new development areas.

34. A Member asked whether PlanD, during the processing of the application, had requested the applicant to submit further information to address the technical concerns raised by relevant government departments. In response, Ms Maggie M.Y. Chin said that before the submission of the application, the applicant had already sought the preliminary advice of

relevant government departments on the requirement and methodology of conducting technical assessments with a view to resolving the technical issues at an early stage. In support of the application, the applicant had submitted various technical assessments and mitigation measures to alleviate the possible impacts were also proposed. For example, upon liaison with relevant government departments, the applicant currently proposed to locate the main entrance of the shopping centre at the eastern part of the site, which was the farthest away from the existing residential clusters, in order to minimise disturbance to the local residents.

35. Given that the local residents were very concerned about the adverse traffic impacts generated by the proposed development, another Member asked whether the vehicular traffic to be generated from the proposed shopping centre would be significantly increased, as compared with that of the existing temporary cross-boundary traffic service station on the site; whether there was any difference in the routing between the existing transportation vehicles and the proposed shuttle services of the shopping centre; and whether there were alternative sites to relocate the existing uses affected by the proposed development.

36. Ms Maggie M.Y. Chin said that the existing cross-boundary traffic service station on the site was a temporary use previously approved by the Board for a period of 3 years. The continuation of that use on the site would be subject to planning permission from the Board. Ms Maggie M.Y. Chin displayed a plan to illustrate that there were a number of approved planning applications for temporary port-back-up uses such as cross-boundary traffic service station, container freight station, container storage, container tractor/trailer park, vehicle repair workshop, etc. in the vicinity of the site. Moreover, a large area to the south of San Tin was zoned "Open Storage" on the Ngau Tam Mei OZP which would provide land to meet the demand of such open storage and port back-up uses.

[Dr C.P. Lau returned to join the meeting at this point.]

37. In response to a Member's concern on the potential transport impacts of the proposed development, Ms Louisa W.K. Fung said that according to the TIA, the applicant proposed to provide two kinds of public transport services, i.e. the Designated Shuttle Bus and free shuttle bus services to meet the additional transport demand generated from the

Mainland and local visitors so as to avoid causing adverse impact on the existing local public transport services. The Designated Shuttle Bus would provide direct transport service between Futian/Huangang and the shopping centre via Lok Ma Chau Control Point and the service was proposed to be charged at a fare comparable to Yellow Bus. The free shuttle bus would provide transport service between the shopping centre and San Tin PTI for interchange with Yellow Bus and local public transport services. The applicant should submit details of its proposed shuttle bus services to be provided by the applicant for TD's consideration. TD also requested that the two shuttle bus services to be provided by the applicant needed to be operated at service levels capable of catering for any changes in transport demand.

38. Regarding the difference in traffic flow between the proposed use under the current application and the existing use on the site, Mr H.L. Chan, Senior Engineer/Boundary of TD, said that according to the findings of the TIA, two road junctions near Lok Ma Chau Road and San Tin Tsuen Road in the vicinity of the site might be affected by the proposed development. For the road junction at San Tin Tsuen Road, the existing number of vehicles leaving San Tin Tsuen Road was about 50 and 120 passenger car units (pcus) per hour in the morning and evening peak respectively while those entering San Tin Tsuen Road were about 100 and 150 pcus per hour in the morning and evening peaks respectively. As the Mainland tourists would usually visit the shopping centre in the afternoon/evening, the traffic impact of the proposed shopping centre on the morning peak traffic was not expected to be significant. According to the TIA, it was estimated that with the development of shopping centre at the site, the total number of vehicles leaving and entering San Tin Tsuen Road during the evening peak would be increased to about 240 and 300 pcus per hour respectively. The estimated traffic flow was still on the low side and the proposed development would not cause adverse traffic impact on the existing road junction. The assessments and findings of the TIA were considered acceptable by TD.

39. In response to a Member's previous query on the unaddressed technical issues and the early submission of the application, the Chairman said that under the existing mechanism, applicants were encouraged to hold pre-submission meetings with PlanD in order to resolve the technical concerns prior to formal submission of applications. It was understood that such meetings had been held and the applicant had liaised closely with concerned departments. The Secretary supplemented that according to the Town Planning

Ordinance, a s.16 application should be submitted to the Board for consideration within 2 months upon receipt of the application. As the current application, which was received on 6.8.2015, had to be submitted to the Committee for consideration on or before 6.10.2015, the current meeting was already the last available meeting to consider the application.

Deliberation Session

40. The Chairman said that the Committee should consider the application by focusing on the suitability of the site for the proposed use and the merits of the development proposal itself. The concern on whether there was any long-term planning for the permanent development of the applied use should be a matter to be separately dealt with.

41. A Member said that although the proposed shopping centre was considered necessary for alleviating the pressure of those traditional popular tourist shopping areas in Yuen Long and North Districts, it might be difficult to give a green light to the current proposal at the moment. Considering the large scale of the proposed development and the strategic location of the site near the Lok Ma Chau boundary control point and close to the WCA, there were concerns that the proposed development might generate significant traffic, drainage, landscape and noise impacts on the surrounding. The Member also said that the numerous approval conditions proposed to be imposed, and the proposed rejection reason, as set out in paragraph 13 of the Paper, seemed to imply that various technical concerns of the proposed development, including those on traffic, drainage, and environmental aspects, had not been satisfactorily addressed. Consideration might be given to request the applicant to submit more information to address the technical comments raised by concerned departments and the locals, particularly on the traffic aspect.

42. The Chairman said that should the Committee consider that there was a genuine need to develop a cross-boundary shopping centre to help alleviate the pressure in the traditional popular tourist shopping areas, it was inevitable that the proposed development would be located near the boundary control point, and hence would also be close to the existing wetlands. He further said that the site was a brownfield site zoned "OU(SS)" on the OZP, the planning intention of which was to provide services/facilities for cross-boundary traffic. Members might need to consider whether the site was suitable for the proposed cross-boundary shopping centre and whether the proposed use was in line with the planning

intention of the zone.

43. The same Member reiterated that there was no in-principle objection to the proposed use and the use of the subject brownfield site for the proposed development. However, given the scale of the proposed development and its close proximity to the boundary control point, the possible impacts of the proposed development on local transport network and the well-being of local residents should be duly addressed. A prudent approach should therefore be adopted and the applicant should be requested to provide further information to satisfactorily address those technical issues set out in paragraph 13 of the Paper.

44. The Chairman said that the concerned departments consulted had no objection to or no adverse comments on the application. However, should the Committee consider that the applicant be required to submit further information to support the application, the Committee should be very clear on what sort of further information would be required, taking into account that the concerned departments had advised that the technical assessments were generally acceptable.

45. While sharing the above Member's concern on the potential impacts of the proposed development, another Member considered that the site was suitable for the proposed shopping centre which could help alleviate the pressure in the popular shopping areas of other new towns and might create job opportunities for the local community. Moreover, the imposition of a large number of approval conditions, including the stipulation of specified time limit for compliance and the imposition of revocation clause, should be sufficient to address Members' concern.

46. The Chairman said that while PlanD had been prudent in recommending a number of approval conditions for the current application, it was not uncommon that a large number of approval conditions would be imposed for those planning applications involving temporary uses in the rural area in order to minimise the potential impacts of the proposed development. For the current application, approval conditions (a) and (g), which were related to the operation of the proposed development, had to be complied with at all times by the applicant during the planning approval. Non-compliance of the said approval conditions would lead to revocation of the planning approval immediately. Besides, relevant

government departments would closely monitor the compliance of other approval conditions under their respective purview.

47. A Member said that in order to alleviate the pressure on other popular tourists shopping areas, the proposed cross-boundary shopping centre would have to be located close to the boundary control points. The site, which was located closer to the Lok Ma Chau boundary control point and farther away from the village clusters, was considered suitable. As the Mainland tourists would travel directly between the control point/San Tin PTI and the shopping centre, it could therefore help to minimise potential impacts on local public transport services and avoid creating nuisance to the nearby residents. Moreover, relevant approval conditions would be imposed and enforced by concerned departments. The Member therefore considered that the applicant could be given a chance to implement the proposal for a temporary period of 3 years, after which the proposed development might no longer be required depending on the prevailing circumstances at that time.

48. Another Member also shared the same views and considered that the proposed temporary use could be tolerated for a period of 3 years having regard to the suitability of the site for the proposed use and that the large number of approval conditions, which were rather concrete, should be sufficient to address the technical concerns. The Member also pointed out that the potential traffic impact of the proposed development would be an important issue which should be closely monitored. Three other Members also agreed to the above views and considered that the application could be approved.

49. A Member noted that the tourists of the shopping centre would not need to cross the road junctions as they would commute to the boundary control point/San Tin PTI by coaches/shuttle buses.

50. A Member raised a concern that the proposed shopping centre might become another popular shopping area of parallel traders resulting in further worsening of the local traffic conditions. The Chairman said that to tackle the potential traffic problem generated by parallel trading activities, ongoing monitoring should be carried out to ensure that the provision of public transport services by the applicant would be adequate to address the problem.

51. In view of the above discussion, the Chairman concluded that majority of the Members considered that the proposed use under the current application could be tolerated for a temporary period of 3 years and any future application for renewal of the planning permission would be considered by the Committee based on individual merits taking into account the prevailing circumstances. Members agreed.

52. Members then went through the approval conditions as suggested in paragraph 13.2 of the Paper. Mr Kelvin K.M. Siu, Chief Traffic Engineer/New Territories West of TD, suggested that the proposed advisory clause (p) on page 27 of the Paper regarding the timing of implementation of public transport services proposal should be imposed as an approval condition. He said that the implementation of the public transport services proposal should tie in with the commissioning of the proposed development and should be maintained at all times during the planning approval period.

53. Members agreed to the above suggestion and considered that, similar to approval conditions (a) and (g) of the current application, a revocation clause for non-compliance with the approval condition should also be imposed.

54. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.9.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 11:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the provision of boundary fencing on the site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.3.2016;
- (c) the submission of water supplies for fire fighting and fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.3.2016;

- (d) in relation to (c) above, the implementation of water supplies for fire fighting and fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2016;
- (e) the submission of revised Drainage Impact Assessment within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.3.2016;
- (f) in relation to (e) above, the implementation of mitigation measures identified in the revised Drainage Impact Assessment within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.6.2016;
- (g) in relation to (f) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (h) the submission of revised Environmental Assessment within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the TPB by 18.3.2016;
- (i) in relation to (h) above, the implementation of mitigation measures identified in the revised Environmental Assessment within 9 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the TPB by 18.6.2016;
- (j) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.3.2016;
- (k) in relation to (j) above, the implementation of landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.6.2016;

- (l) the submission of parking layout plan and public transport services proposal within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 18.3.2016;
- (m) in relation to (l) above, the implementation of parking layout plan and public transport services proposal within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 18.6.2016;
- (n) in relation to (m) above, the implementation of the public transport services proposal shall tie in with the commissioning of the proposed development and shall be maintained at all times during the planning approval period;
- (o) the submission of junction improvement proposal at Tung Wing On Road and the modification works within the San Tin public transport interchange (PTI), as proposed in the TIA, within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or of the TPB by 18.3.2016;
- (p) in relation to (o) above, the implementation of junction improvement proposal at Tung Wing On Road and the modification works within the San Tin PTI, as proposed in the TIA, within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 18.6.2016;
- (q) if any of the above planning conditions (a), (g) and (n) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (r) if any of the above planning conditions (b), (c), (d), (e), (f), (h), (i), (j), (k), (l), (m), (o) or (p) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

55. The Committee also agreed to advise the applicant of the following :

- “(a) the permission is given to the development/uses and structures under application. It does not condone any other development/uses and structures which currently occur on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses and remove such structures not covered by the permission;

- (b) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance (BO). The applicant should obtain the Building Authority’s (BA) prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;

- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises government land (GL) and Old Schedule agricultural lots held under the Block Government Lease under which no structures are allowed to be erected without prior approval of the Government. Portion of the GL in the site is covered by Short Term Tenancy No. 2791 for the purposes of “temporary cross-boundary traffic service station (including public car park, container freight station, container storage, container tractor/trailer park, vehicle repair workshop, office) with ancillary service trades (including handling in and out of container freight, arrival and departure of goods vehicles) and staff canteen”. No permission is given for occupation of the remaining GL included in the site. The act of occupation of GL without Government's prior approval should not be encouraged. The site is accessible to San Tin Tsuen Road and Tung Wing On Road via private land and GL. His office provides no maintenance works to the GL involved and does not guarantee right-of-way. Should the application be approved, the lot owner(s) will need to apply to his office to permit the structures to be erected or

regularize any irregularity on site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application(s) will be considered by LandsD acting in the capacity of the landlord as its sole discretion and there is no guarantee that such application(s) including granting of GL is approved. If such application is approved, it will be subject to such terms and conditions, including the payment of premium or fee, as may be imposed by LandsD;

- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the design and construction of the taxi stand at Tung Wing On Road shall comply with the prevailing Transport Department and HyD's standards;
- (e) to note the comments of the Director of Fire Services that provision of emergency vehicular access shall comply with the Code of Practice for Fire Safety in Buildings 2011. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans referred by Buildings Department (BD). Based on the submitted information, it is anticipated that automatic sprinkler system should be provided for the proposed shops with aggregate floor area exceeding 230m² in accordance with the current Code of Practice for Minimum Fire Service Installations and Equipment. Furthermore, the applicant is advised to clarify whether (a) each of the proposed shops (limited to 230m²) is considered as a separated building and accepted by the Building Authority (BA), and (b) the proposed cluster of shops is considered as a single-storey building in accordance with the Code of Practice for Fire Safety in Buildings 2011;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, BD that an Authorised Person and a Registered Structural Engineer should be appointed to submit relevant plans of the proposed buildings and building works for prior approval by the BA under the BO. Detailed checking of plans will be carried out upon formal submission of the

building plans;

- (g) to note the comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, HyD that part of the site may fall within the administrative route protection boundary of the Northern Link (NOL). Although the programme and the alignment of the proposed NOL are still under review, those areas within the railway protection boundary may be required to be vacated at the time for the construction of the proposed NOL;

- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant shall submit a revised Drainage Impact Assessment (DIA) to address his comments as detailed Appendix III-3 of the Paper. The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. The applicant is reminded that the proposed drainage proposal/works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction. No public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from the Director of Environmental Protection (DEP), the planning authority of sewerage infrastructure, should be obtained. The SIA enclosed in the Planning Statement should meet the full satisfaction of DEP and his comments on the submitted SIA as detailed in Appendix III-3 of the Paper are subject to the views and agreement of DEP. The applicant should consult DLO/YL regarding all the proposed drainage works outside the site boundary in order to ensure the unobstructed discharge from the application site in future. All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant shall ensure and keep all drainage facilities on site under proper maintenance at all times;

- (i) to note the comments of the Commissioner of Police that no on-site consumption of liquor is allowed without the required liquor licence;

- (j) to note the comments of the Director of Food and Environmental Hygiene that no facilities of the Food and Environmental Hygiene Department should be affected, the works shall not cause any environmental nuisance to the surrounding, and a proper food licence issued by his Department is necessary if any class of food business is open to the public;

- (k) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) that existing water mains will be affected. The developer shall bear the cost of any necessary diversion works affected by the proposed development. In case it is not feasible to divert the affected water mains within the site, a Waterworks Reserve within 1.5 metres from the centerline of the water main shall be provided to WSD. No structure shall be erected over the Waterworks Reserve and such area shall not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize. Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site;

- (l) to note the comments of the Director of Electrical and Mechanical Services that there is a high pressure town gas pipeline running along Castle Peak Road - Chau Tau which is in the vicinity of the site. The applicant has confirmed that the shops are 30m set back from the above gas pipeline. Nevertheless, the applicant should maintain liaison/coordination with the Hong Kong and China Gas Company Limited in respect of the exact location of existing or planned gas pipe routes/gas installations in the vicinity of the proposed works area and the minimum set back distance away from the gas pipes/gas installations if any excavation works are required during the design and construction stages of the development. The applicant shall also note the requirements of the Electrical and

Mechanical Services Department's Code of Practice on Avoiding Danger from Gas Pipes;

- (m) to note the comments of the Secretary for Security that the applicant should be reminded to address public concerns over the potentially sizeable increase in traffic volume in the area and pay particular attention to the transportation arrangements in the vicinity so as to minimise the disturbance, if any, to the operation of the control points (i.e. Lok Ma Chau and Lok Ma Chau Spurline Control Points) as well as other cross-boundary passengers;
- (n) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimise potential environmental impacts on the surrounding area; and
- (o) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should implement a number of measures for controlling off-site disturbance, glare and water pollution to the surrounding areas (including but not limited to provision of fencing and landscape planting along site boundary, avoiding floodlighting or over-illumination and proper collection of sewage for off-site disposal) as committed in the application.

[The Chairman thanked Ms Maggie M.Y. Chin, DPO/FS&YLE, Mr H.L. Chan and Ms Louisa W.K. Fung, TD's representatives, for their attendance to answer Members' enquiries. They left the meeting at this point.]

[The meeting was adjourned for a short break of 5 minutes.]

[The Chairman left the meeting and Professor K.C. Chau left the meeting temporarily at this point.]

[Mr Ivan C.S. Fu and Ms Janice W.M. Lai returned to join the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting]

A/YL-ST/477 Proposed Eating Place, Place of Entertainment, Shops and Services, Minor Relaxation of Height Restriction and Excavation of Land in “Other Specified Uses” annotated “Service Stations” zone, Lots 661 S.C RP, 669 RP, 674 RP (Part), 733 RP (Part) in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/477)

56. As the Chairman had left the meeting, Members agreed that the Vice-chairman should take over and chair the meeting.

57. The Secretary reported that the application was submitted by Topcycle Development Limited which was a subsidiary of the Henderson Land Development Company Limited (HLD), with Masterplan Limited (Masterplan), AECOM Asia Company Limited (AECOM) and Environ Hong Kong Limited (Environ) as three of the consultants of the applicant. The following Members had declared interests in the item:

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| Mr Ivan C.S. Fu | - having current business dealings with HLD, Masterplan, AECOM and Environ |
| Ms Janice W.M. Lai | - having current business dealings with HLD, AECOM and Environ |
| Professor S.C. Wong | - being an employee of the University of Hong Kong which had received a donation from a family member of the Chairman of HLD; having current business dealings with AECOM; and being the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong which had received sponsorship from AECOM for some activities of the department |

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| Mr H.F. Leung | - being an employee of the University of Hong Kong which had received a donation from a family member of the Chairman of HLD |
| Professor K.C. Chau | - being an employee of the Chinese University of Hong Kong which had received a donation from a family member of the Chairman of HLD |
| Dr W.K. Yau | - being a Director of a non-governmental organization which had received a donation from HLD |
| Ms Christina M. Lee | - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which had received sponsorship from HLD |
| Mr Peter K.T. Yuen | - being a member of the Board of Governors of the Hong Kong Arts Centre which had received a donation from the Executive Director of HLD |

58. The Committee noted that Mr Leung had tendered apologies for being unable to attend the meeting. As the applicant had requested for a deferral of consideration of the application, the Committee agreed that Mr Fu, Ms Lai, Professor Wong, Professor Chau, Dr Yau, Ms Lee and Mr Yuen could stay in the meeting.

59. The Committee noted that the applicant's representative requested on 31.8.2015 for deferment of the consideration of the application for two months in order to allow time for preparation of responses to address the comments from Water Supplies Department and Transport Department. This was the first time that the applicant requested for deferment of the application.

60. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the

applicant that two months were allowed for preparation of the submission of further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/243 Proposed Temporary Place of Recreation, Sports or Culture (Civic Centre) for a Period of 3 Years in “Undetermined” zone, Former Small Traders New Village Public School in D.D. 115, Small Traders New Village, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/243)

Presentation and Question Sessions

61. Mr K.T. Ng, STP/FS&YLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed temporary place of recreation, sports or culture (civic centre) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local comment was received by the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application based on the assessments set out in paragraph 11 of the Paper. The proposed use was considered compatible with the surrounding residential cluster of Small Traders New Village and residential developments and could also meet some of the local demand for recreational, sports and cultural facilities. As utilisation of the vacant school did not involve any building, site formation, land filling, excavation works nor felling of trees, it would unlikely cause adverse environmental impacts on the surrounding areas. Concerned government departments had no objection to or no adverse comment on the application, and no public comment was received.

62. Members had no question on the application.

Deliberation Session

63. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.9.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 9:00 a.m. on Mondays and Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) vehicles are not allowed to reverse into or out of the site at any time during the planning approval period;
- (d) the maintenance of existing drainage facilities on site in good condition at all times during the planning approval period;
- (e) the submission of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of

the TPB by 18.3.2016;

- (f) in relation to (e) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2016;
- (g) if any of the above planning condition (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (h) if any of the above planning conditions (e) or (f) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

64. The Committee also agreed to advise the applicant of the following :

- “(a) to note the comments of the Commissioner for Transport that the applicant should advise drivers to and from the site to drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;
- (b) to note the comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department that the site falls within the route protection boundary of the West Rail. The applicant shall consult Mass Transit Railway Corporation Limited (MTRCL) with full details of its proposal and comply with MTRCL’s requirements with respect to the future construction, operation, maintenance and safety of West Rail;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD is not/shall not be responsible for the maintenance of any existing vehicular access connecting the site and Siu Sheung Road;

- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should provide for reference a simple plan to indicate the locations/arrangements of the existing drainage facilities (only those drainage facilities for stormwater is necessary) when his office inspects the existing drainage facilities; and
- (e) to note the comments of the Director of Fire Services that detailed fire safety requirement will be formulated upon receipt of formal submission of general building plans or when referred from relevant licensing authority.”

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/325 Proposed Temporary Open Storage of New Vehicles (Private Cars Only) for a Period of 3 Years in “Recreation” zone, Lots 795 (Part), 796 (Part), 797 (Part), 800 (Part) and 4187 RP (Part) in D.D. 104, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/325)

65. The Secretary reported that the application was submitted by China Hero Investments Limited which was a subsidiary of Henderson Land Development Company Limited (HLD). The following Members had declared interests in the item:

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| Mr Ivan C.S. Fu |] | |
| |] | having current business dealings with HLD |
| Ms Janice W.M. Lai |] | |
| Professor S.C. Wong |] | being employees of the University of Hong Kong which had received a donation from a family member of the Chairman of HLD |
| Mr H.F. Leung |] | |
| Professor K.C. Chau | - | being an employee of the Chinese University of Hong Kong which had received a donation from a family member of the Chairman of HLD |

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| Dr W.K. Yau | - being a Director of a non-governmental organization which had received a donation from HLD |
| Ms Christina M. Lee | - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which had received sponsorship from HLD |
| Mr Peter K.T. Yuen | - being a member of the Board of Governors of the Hong Kong Arts Centre which had received a donation from the Executive Director of HLD |

66. The Committee noted that Mr Leung had tendered apologies for being unable to attend the meeting and Professor Chau had left the meeting temporarily. As the interests of Mr Fu and Ms Lai were direct, the Committee agreed that they should be invited to leave the meeting temporarily for the item. The Committee also noted that the interests of Professor Wong, Dr Yau, Ms Lee and Mr Yuen were indirect and agreed that they could stay in the meeting.

[Mr Ivan C.S. Fu and Ms Janice W.M. Lai left the meeting temporarily at this point.]

Presentation and Question Sessions

67. Mr K.T. Ng, STP/FS&YLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed temporary open storage of new vehicles (private cars only) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) raised concern

on the application as the applicant only proposed to mitigate pollution to the stream without providing any information on the ecological value of the semi-natural stream and the marsh and the potential ecological impacts due to the proposed use. DAFC was doubtful on the effectiveness of the proposed mitigation measure. The Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) had reservation on the application as the site was located at the fringe between the rural landscape character area and the “Industrial (Group D)” (“I(D)”) zone which was not entirely compatible with the existing rural landscape character and adverse impact on existing landscape character was anticipated. CTP/UD&L, PlanD considered that approval of the application would set an undesirable precedent for similar applications.

[Dr W.K. Yau left the meeting temporarily at this point.]

- (d) during the first three weeks of the statutory publication period, 37 objecting comments were received, including Designing Hong Kong Limited and 36 individuals. The objections were mainly on the grounds that the use of land resource for the proposed open storage was inefficient; the potential impacts of extending the “I(D)” zone had not been adequately evaluated; the proposed development would create additional burden to the existing road network and the increased traffic flow would affect the air quality and health of residents; the proposed development was incompatible with the planning intention of the “Recreation” (“REC”) zone, and would set an undesirable precedent for similar applications; unauthorised tree felling might happen as a result of the suspected ‘destroy first, develop later’ situation; and once the land was permitted for development, it would be more difficult for the existing land to be developed for more suitable uses; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed open storage use was not in line with the planning intention of the “REC” zone which was primarily for recreational developments for

the use of the general public. No strong planning justification had been given in the submission for a departure from such planning intention, even on a temporary basis. DEP did not support the application and CTP/UD&L, PlanD and DAFC had reservation/concern on the application. The application did not meet the Town Planning Board Guidelines No. 13E as no previous approval for open storage use had been granted for the site; there were adverse comments from government departments; and the applicant had not submitted any technical assessment/proposal to demonstrate that the proposed use would not have adverse ecological, environmental and landscape impacts on the surrounding areas. Approval of the application would set an undesirable precedent and encourage other applications for similar development within the subject "REC" zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

68. Members had no question on the application.

Deliberation Session

69. The Committee noted that PlanD did not support the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper. After deliberation, the Committee decided to reject the application. The reasons for rejection were :

- “(a) the proposed development is not in line with the planning intention of the “Recreation” (“REC”) zone, which is primarily for recreational developments for the use of the general public. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the proposed development is not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that no previous approval has been granted for the site, there are local objections and adverse departmental comments on the environmental

and landscape aspects, and the proposed development would have adverse environmental and landscape impacts on the surrounding areas; and

- (c) the approval of the application would set an undesirable precedent for similar applications within the “REC” zone. The cumulative effect of approving such application would result in a general degradation of the environment of the area.”

[Mr Martin W.C. Kwan left the meeting temporarily and Mr Ivan C.S. Fu and Ms Janice W.M. Lai returned to join the meeting at this point.]

Agenda Item 12

Section 16 Application

[Open Meeting]

A/YL-NTM/326 Temporary Container Vehicle Park with Ancillary Facilities (Including Site Offices and Staff Rest Rooms) for a Period of 3 Years in “Open Storage” zone, Lots 2790 (Part), 2798 RP (Part), 2799 (Part), 2800, 2801 and Adjoining Government Land in D.D. 102, Kwu Tung Road, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/326)

70. The Committee noted that the applicant’s agent requested on 14.9.2015 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the traffic issues raised by the Transport Department. This was the first time that the applicant requested for deferment of the application.

71. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and

could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/234 Proposed Eating Place, Office and Shop and Services (in Wholesale Conversion of an Existing Building Only) in "Industrial" Zone, No. 21 Po Wan Road, Sheung Shui
(RNTPC Paper No. A/FSS/234B)

72. The Secretary reported that the application was submitted by Grand Return Investments Limited with MVA Hong Kong Limited (MVA) and AGC Design Limited (AGC) as two of the consultants of the applicant. Mr Ivan C.S. Fu had declared an interest in the item as he had current business dealings with MVA and AGC. The Committee noted that Mr Fu had no involvement in the application and agreed that he could stay in the meeting.

Presentation and Question Sessions

73. With the aid of a Powerpoint presentation, Mr Jeff K.C. Ho, STP/FS&YLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed eating place, office and shop and services (in wholesale conversion of an existing building only);
- (c) departmental comments – departmental comments were set out in

paragraph 10 of the Paper. Relevant government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, a total of 8 comments from members of North District Council (NDC), Sheung Shui Village Council (SSVC) and Fanling District Rural Committee (FDRC) were received. Three indicated no comment on the application. The remaining 5 objected to the application mainly on the grounds that the proposed development would bring more traffic to Po Wan Road and would therefore further aggravate the traffic congestion problem and the extra pedestrian flow would bring public order problem to the nearby Sheung Shui Heung; and

[Professor K.C. Chau and Dr W.K. Yau returned to join the meeting at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The proposed wholesale conversion of the existing building for eating place, office and shop and services was considered not incompatible with the surrounding land uses and could more conveniently serve the workers of the industrial area and residents in the vicinity. The current application was to amend the previously approved scheme under application no. A/FSS/208 and the proposed uses would provide supporting facilities to serve the existing and future population in the area. Relevant government departments had no comment on or no objection to the application from fire safety, sewerage, landscape, gas safety and environmental hygiene perspectives. To address C for T's concern, approval conditions regarding the submission of an updated traffic survey and detailed arrangement on parking and loading/unloading facilities were proposed. The current application generally complied with the assessment criteria set out in Town Planning Board Guidelines No. 25D. Regarding the public comments, technical assessments had been submitted and it was confirmed that the proposed wholesale conversion had no significant adverse impact. In order not to jeopardise the potential long-term planning intention of the site,

it was recommended that the approval would be for the lifetime of the building.

74. Members had no question on the application.

Deliberation Session

75. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 18.9.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of proposals for fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the design and provision of car parking spaces and loading and unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the submission of a revised traffic assessment to the satisfaction of the Commissioner for Transport or of the TPB; and
- (f) the implementation of the traffic mitigation measures as identified in the traffic assessment to the satisfaction of the Commissioner for Transport or of the TPB.”

76. The Committee also agreed to advise the applicant of the following :

- “(a) the approval should be for the lifetime of the building. Upon redevelopment, the subject site would need to conform with the zoning and development restrictions on the Outline Zoning Plan in force at the time of redevelopment which may not be the same as those of the existing building;
- (b) to apply to the District Lands Officer/North, Lands Department (LandsD) for a lease modification/waiver to permit the applied uses;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) as follows:
 - (i) before any building works are to be carried out on the application site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
 - (ii) for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD’s enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO;
 - (iii) if the proposed use under application is subject to the issue of a licence, the applicant shall be reminded that any existing structures on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority; and
 - (iv) detailed comments under the BO will be provided at the building

plan submission stage;

- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the project proponent will be responsible for the design and construction of the proposed upgrading works at the proponent's cost as stipulated in Section 5.1.1.3 of the Sewerage Impact Assessment;
- (e) to note the comments of the Director of Fire Services that:
 - (i) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and
 - (ii) the applicant should observe the requirements of emergency vehicular access as stipulated in Section 6, Part D of the 'Code of Practice for Fire Safety in Building 2011' which is administered by the BD; and
- (f) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that:
 - (i) a valid food licence issued by the DFEH must be required for the proposed eating place and the applicant's attention should be drawn to the Food Business Regulation made under Section 56 of the Public Health and Municipal Services Ordinance (Cap. 132);
 - (ii) the operation of the eating place must not cause any environmental nuisance to the surrounding; and
 - (iii) the refuse generated by the proposed eating place is regarded as trade refuse that the management or owner of the site is responsible for its removal and disposal at his own expense."

Agenda Item 14

Section 16 Application

[Open Meeting]

A/FSS/241 Proposed Eating Place, Office and Shop and Services (in Wholesale Conversion of an Existing Building Only) in “Industrial” zone, No. 9 Choi Yuen Road, Sheung Shui
(RNTPC Paper No. A/FSS/241)

77. The Secretary reported that the application was submitted by Shell Fair Realty Limited, with MLA Architects (Hong Kong) Limited (MLA) and Environ Hong Kong Limited (Environ) as two of the consultants of the applicant. The following Members had declared interests in the item:

Mr Ivan C.S. Fu	- having current business dealings with Environ
Ms Janice W.M. Lai	- having current business dealings with MLA and Environ
Mr Martin W.C. Kwan Chief Engineer (Works), Home Affairs Department (HAD)	- MLA being the consultant of one of HAD’s consultancy agreements

78. As the applicant had requested for a deferral of consideration of the application, the Committee agreed that Mr Fu, Ms Lai and Mr Kwan could stay in the meeting as they had no involvement in the application.

79. The Committee noted that the applicant requested on 1.9.2015 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of relevant government departments. This was the first time that the applicant requested for deferment of the application.

80. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the

applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 15

Section 16 Application

[Open Meeting]

A/FSS/242 Columbarium in "Government, Institution or Community" zone, Lot 5174 (Part) in D.D. 51 and Adjoining Government Land , Fung Ying Seen Koon, Fanling
(RNTPC Paper No. A/FSS/242)

81. The Secretary reported that the application was submitted by Fung Ying Seen Koon with Environ Hong Kong Limited (Environ) as one of the consultants of the applicant. Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests in the item as they had current business dealings with Environ. As the applicant had requested for a deferral of consideration of the application, the Committee agreed that Mr Fu and Ms Lai could stay in the meeting as they had no involvement in the application.

82. The Committee noted that the applicant requested on 28.8.2015 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of relevant government departments. This was the first time that the applicant requested for deferment of the application.

83. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and

could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KTN/18 Temporary Coach and Container Trailer Parking with Ancillary Vehicle Repair Workshop for a Period of 3 Years in "Other Specified Uses" annotated "Amenity Area" and "Other Specified Uses" annotated "Business and Technology Park" zones and area shown as 'Road', Lots 879 S.A RP, 879 S.B RP (Part) and 880 S.C RP in D.D. 92 and Adjoining Government Land, Yin Kong, Sheung Shui
(RNTPC Paper No. A/KTN/18)

Presentation and Question Sessions

84. Mr Kevin C.P. Ng, STP/FS&YLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary coach and container trailer parking with ancillary vehicle repair workshop for a period of 3 years;

[Dr W.K. Yau left the meeting temporarily at this point.]

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were domestic structures in

the vicinity of the site. Other relevant government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment was received from a North District Council member who supported the application; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary coach and container trailer parking with ancillary vehicle repair workshop could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The application on a temporary basis would not frustrate the long-term planning intention. The applied use was not incompatible with the existing surrounding land uses and would unlikely have significant adverse impacts on the surrounding area. The application generally complied with the Town Planning Board Guidelines No.13E in that the application fell within an area which was the subject of previous planning approvals and the applicant had complied with all the approval conditions of the latest approved application. Relevant government departments had no objection to or no adverse comment on the application. Although DEP did not support the application, no environmental complaint was received in the past three years. To address DEP's environmental concern, relevant approval conditions to restrict the operation hours and maintain the access, parking and loading/unloading arrangement were recommended.

85. Members had no question on the application.

Deliberation Session

86. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.9.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night time operation between 6:00 p.m. and 9:00 a.m., as proposed by

the applicant, is allowed on the site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the vehicular access, parking and loading/unloading arrangement within the site, as proposed by the applicant, should be maintained during the planning approval period;
- (d) the existing drainage facilities on the site should be properly maintained and rectified if they are found inadequate/ineffective during the planning approval period;
- (e) the submission of a conditional record of the existing drainage facilities on site as previously implemented on the same site in planning application No. A/NE-KTN/149 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.12.2015;
- (f) the submission of proposals for fire service installations and water supplies for fire fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.3.2016;
- (g) in relation to (f) above, the implementation of proposals for fire service installations and water supplies for fire fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2016;
- (h) the implementation of the accepted tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.3.2016;
- (i) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall

cease to have effect and shall be revoked immediately without further notice; and

- (j) if any of the above planning conditions (e), (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

87. The Committee also agreed to advise the applicant of the following :

- “(a) to resolve any land issues relating to the development with the concerned owner of the site;
- (b) the planning permission is given to the use/development under application. It does not condone parking and storage of tractors, private vehicles, lorry and vans which currently exists on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (c) to note the comments of the District Lands Officer/North as follows:
 - (i) the actual occupation area is larger than the application site. The adjoining lots 903 and 904 in D.D. 92 and portions of the adjoining lots 879 S.B ss.1 and 905 in D.D. 92 have also been occupied. Moreover, the adjoining Government land not covered by any Short Term Tenancy (STT) or licence outside the application site have already been unauthorisedly occupied. In addition, there are unauthorised structures erected on the lots under application, the adjoining lots 904 and 905 in D.D. 92, the Government land covered by STT No. 1271 and the adjoining Government land not covered by any STT or licence without prior approval from his office. The total built-over area of the aforesaid structures is larger than the maximum permitted site coverage stipulated in Short Term Waiver (STW) No. 1413, the maximum permitted roofed-over area stipulated in STT No. 1271 and the one mentioned in the planning

application. The unauthorised structures are not acceptable under the concerned Lease, STW No. 1413 and STT No. 1271. His office reserves the right to take enforcement actions against the irregularities; and

- (ii) if the planning application is approved, the owners of the lots concerned shall apply to his office for modification of STW No. 1413 to regularize the irregularities and cover all the actual occupation area including lots 879 S.B ss.1, 903, 904 and 905 in D.D. 92. The tenant concerned shall also apply to his office for modification of STT No. 1271 to regularize the irregularities and cover all the actual occupation area including the adjoining occupied Government Land. All the aforesaid applications will be considered by Government in its landlord's capacity. However, it should be noted that the applications, if received, will be processed by his office without prejudice to the aforesaid enforcement actions. Further, there is no guarantee that the applications will be approved. If the applications are approved, they will be subject to such terms and conditions to be imposed including payment of waiver fee/rent and administrative fees as considered appropriate by his office;

- (d) to note the comments of the Commissioner for Transport as follows:
 - (i) the local track leading to the application site is not managed by Transport Department. The land status, management and maintenance responsibilities of the local track should be clarified with the relevant lands and maintenance authorities accordingly;

 - (ii) part of the application site encroached onto an area shown as 'Road' under the approved Kwu Tung North Outline Zoning Plan No. S/KTN/2. To allow future possible road improvement works, no structure should be built within the area shown as 'Road'; and

 - (iii) the site falls within the North East New Territories New

Development Area Study Area. The applicant should seek comments from the Civil Engineering and Development Department (CEDD);

- (e) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the vehicular access connecting the lots concerned and Castle Peak Road – Kwu Tung is not maintained by his department;
- (f) to note the comments of the Project Manager (New Territories East), CEDD that the application site falls within the remaining packages of Kwu Tung North New Development Area project, which is planned to commence in 2023 and would be resumed at the time of development. Any structure within may be demolished for future development;
- (g) to note the comments of the Chief Engineer/Construction, Water Supplies Department as follows:
 - (i) for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards; and
 - (ii) the application site is located within the flood pumping gathering ground;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) as follows:
 - (i) if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are

unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application;

- (ii) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the application site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
- (iii) for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO;
- (iv) the temporary converted containers for site office / storage / rest rooms/ toilets are considered as temporary buildings and are subject to control under the Building (Planning) Regulations (B(P)R) Pt. VII;
- (v) in connection with (ii) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the B(P)R respectively;
- (vi) if the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (vii) detailed comments under the BO will be provided at building plan submission stage;

- (i) to note the comments of the Director of Fire Services as follows:
 - (i) emergency vehicular access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD; and
 - (ii) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
- (j) to follow the environmental mitigation measures as recommended in the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ in order to minimise the potential environmental impacts on the adjacent area.”

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/477 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lots 943 S.A ss.1 (Part) and 944 S.A ss.1 RP in D.D. 109, Tai Kong Po Village, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/477)

Presentation and Question Sessions

88. Mr Kepler S.Y. Yuen, STP/FS&YLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed house (New Territories Exempted House (NTEH) - Small House);

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. Relevant government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, 2 public comments objecting to the application were received from Designing Hong Kong Limited and a local resident. The local resident objected on grounds that land for agriculture was shrinking and should be preserved for agricultural purpose; and house development would adversely affect the surrounding environment and the road usage in Tai Kong Po. Designing Hong Kong Limited objected to the application mainly on grounds that the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone; no impact assessment had been completed for traffic, sewerage or environment; the shortage of parking and access led to disharmony among residents and illegal criminal behaviours; and layout plan for village ‘environs’ should be produced with adequate infrastructure; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The application met the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories as the site fell entirely within the village ‘environ’ (‘VE’) of Tai Kong Po and there was no “Village Type Development” zone for the village to meet the outstanding Small House applications and the 10-year demand. Although the proposed Small House development was not in line with the planning intention of the “AGR” zone, the Director of Agriculture, Fisheries and Conservation (DAFC) had no objection to the application as the potential of the site for agricultural rehabilitation was low. Relevant government departments had no objection to or no adverse comment on the application. It was considered that the small scale of the development would not lead to adverse impact on local infrastructure. A total of 14 similar applications within the ‘VE’ of Tai Kong Po had been approved by the Committee

between 2001 and 2015. Approval of the current application would be in line with the Committee's previous decisions on similar applications in Tai Kong Po. Regarding the public comments, the above assessments were relevant.

89. Members had no question on the application.

Deliberation Session

90. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 18.9.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB; and
- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

91. The Committee also agreed to advise the applicant of the following :

- “(a) to note the comments of the Director of Fire Services that the applicant should follow the “New Territories Exempted Houses – A Guide to Fire Safety Requirements” issued by the Lands Department;
- (b) to note the comments of the Director of Environmental Protection that the proposed development is outside water gathering grounds, and the area and its vicinity are not served by public sewers. In view of the small population and nature of the proposed development, septic tank and soakaway system is considered a suitable treatment system provided that its design and operation follow the requirements in the Environmental Protection Department's Practice Note for Professional Person (ProPECC)

PN 5/93 'Drainage Plans subject to Comment by the Environmental Protection Department', including percolation test and certification by Authorised Person;

- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the proposed development should neither obstruct overland flow nor adversely affect existing streams, village drains, ditches and the adjacent areas, etc.; and the applicant should consult the District Lands Officer/Yuen Long and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works; and
- (d) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

Agenda Item 18

Section 16 Application

[Open Meeting]

A/YL-KTN/478 Proposed Animal Boarding Establishment (Kennel) in “Agriculture” zone, Lots 1143 S.D and 1143 S.E in D.D. 109, Tai Kong Po Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/478)

92. The Committee noted that the applicant’s representative requested on 2.9.2015 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of relevant government departments. This was the first time that the applicant requested for deferment of the application.

93. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/479 Renewal of Planning Approval for Temporary Private Car Park for a Period of 3 Years in "Comprehensive Development Area" zone, Lots 3316 RP (Part), 3331 RP (Part), 3337 RP, 3338 RP (Part), 3339, 3340 RP (Part), 3341 RP (Part), 3342 (Part), 3343 to 3346, 3347 (Part), 3348 (Part), 3349 RP (Part), 3350, 3351 (Part), 3359 RP and 3360 RP in D.D. 104 and Adjoining Government Land, Long Ha, San Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/479)

Presentation and Question Sessions

94. Mr Kepler S.Y. Yuen, STP/FS&YLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) renewal of planning approval for temporary private car park under Application No. A/YL-KTN/385 for a period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Relevant government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary private car park could be tolerated for a further period of 3 years based on the assessments set out in paragraph 12 of the Paper. The development was considered not incompatible with the existing surrounding land uses and the rural character. In view of its nature of operation, the development was not expected to cause any significant adverse environmental impact on the surrounding area. Since there was no known programme to implement the “Comprehensive Development Area” (“CDA”) zone, approval of the application on a temporary basis would not frustrate the planning intention of the “CDA” zone. The application was in line with the Town Planning Board Guidelines No. 34B in that there had been no major change in planning circumstance since the last planning approval, all the approval conditions under the last application had been compiled with, and there was also no adverse comment from the relevant departments and no local objection was received.

95. Members had no question on the application.

Deliberation Session

96. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years from 6.10.2015 until 5.10.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no vehicles without valid licences issued under the Traffic Regulations are

allowed to be parked/stored on the site at any time during the planning approval period;

- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance or container trailers/tractors are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance or container trailers/tractors are allowed to be parked/stored on or enter/exit the site at all times during the planning approval period;
- (d) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site at any time during the planning approval period;
- (e) all existing trees and landscape plantings on the site shall be maintained at all times during planning approval period;
- (f) the maintenance of the existing mitigation measures to minimise any possible nuisance of noise and artificial lighting on-site to the residents nearby at all times during the planning approval period;
- (g) the drainage facilities implemented on the site under Application No. A/YL-KTN/385 shall be maintained at all times during the planning approval period;
- (h) the submission of a record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.1.2016;

- (i) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.4.2016;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.7.2016;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

97. The Committee also agreed to advise the applicant of the following :

- “(a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long that the site comprises government land (GL) and Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structure is allowed to be erected without prior approval of the Government. No permission is given for occupation of GL (about 240m² subject to verification) included in the site. Attention is drawn to the fact that the act of occupation of GL without Government’s prior approval should not be encouraged. A portion of the GL at the southern side of the site falls within ‘Engineering Reserve’ of the ‘400kV overhead transmission lines from Tai Tong to Au Tau’ (i.e. Pylon No. SD-006/P(4CPB)). The site is accessible to San Tam Road via private land and GL. Lands Department

(LandsD) does not provide maintenance works to the GL involved or guarantee right-of-way. Should planning approval be given to the application, the Short Term Waiver (STW) holder should apply to his office for modification of the STW conditions to regularise any irregularities on the site. The applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application(s) will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (c) to adopt the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the existing vehicular access connecting the site and San Tam Road is not under HyD’s maintenance. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. The adjacent HyD Slope No. 2SE-C/C154 should not be affected;
- (e) to note the comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department that the site falls within the area of influence of the proposed Northern Link (the NOL). Although the programme and the alignment of the proposed NOL are still under review, those areas within the railway protection boundary may be required to be vacated at the time for the construction of the proposed NOL;
- (f) to note the comments of the Chief Building Surveyor/New Territories West,

Buildings Department (BD) that there is no record of approval by the Building Authority for the structures existing at the site. If the existing structures are erected on leased land without approval of BD (not being New Territories Exempted House(s)), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the subject planning application. Before any new building works (including security booth as temporary buildings) are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained. Otherwise, they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance of the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access under Building (Planning) Regulations (B(P)R) 5 and 41D respectively. If the site does not abut on a specified street having a width of not less than 4.5m, the development intensity shall be determined under B(P)R 19(3) at the building plan submission stage;

- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the southern boundary of the site encroaches upon the existing Waterworks Reserve (WWR) for two trunk water mains of 1,400mm diameter (Plan A-2 of the RNTPC Paper). No structure shall be erected over this WWR and such area shall not be used for storage of car parking purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize. Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of

the site;

- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. To address the additional approval condition, the applicant should submit a valid fire certificate (FS251) to his department for approval. The applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (i) to note the comments of the Director of Food and Environmental Hygiene that if food business or related activity is involved, a relevant licence shall be obtained from his Department. No sanitary nuisance should be generated from the premises; and
- (j) to note the comments of the Director of Electrical and Mechanical Services that due consideration shall be given to the requirements of the preferred working corridor of the 400kV overhead lines as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department (i.e. a 50m working corridor shall be maintained along the 400kV overhead lines (25m on either side from the centre line of the transmission towers)). Besides, prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert any underground cable and/or overhead lines away from the vicinity of the proposed structure. In addition, the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply

lines. As regards the electric and magnetic fields arising from the 400kV overhead lines, the applicant should be warned of possible undue interference to some electronic equipment in the vicinity. Besides, there is a high pressure town gas pipeline running along San Tam Road which is in the vicinity of the proposed development. The project proponent should maintain liaison/coordination with the Hong Kong and China Gas Company Limited in respect of the exact location of existing or planned gas pipe routes/gas installations in the vicinity of the proposed works area and the minimum set back distance away from the gas pipes/gas installations if any excavation works is required during the design and construction stages of the development. The project proponent shall also note the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes".

Agenda Item 20

Section 16 Application

[Open Meeting]

A/YL-KTN/480 Temporary Open Storage of Construction Machinery, Construction Materials and Ancillary Parking of Medium/Heavy Goods Vehicles and Container Trailers/Tractors for a Period of 3 Years in "Other Specified Uses" annotated "Railway Reserve" zone, Lots 431 (Part), 433 S.B (Part) and 1739 RP (Part) in D.D. 107 and Adjoining Government Land, Fung Kat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/480)

98. The Committee noted that the applicant's representative requested on 8.9.2015 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of relevant government departments. This was the first time that the applicant requested for deferment of the application.

99. After deliberation, the Committee decided to defer a decision on the application

as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/675 Renewal of Planning Approval for Temporary Open Storage of Vehicles and Container Trailers/Tractors Park for a Period of 3 Years in "Agriculture" zone, Lots 617 RP and 618 RP in D.D. 103, 200 Ko Po San Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/675)

Presentation and Question Sessions

100. Mr Kepler S.Y. Yuen, STP/FS&YLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) renewal of planning approval for temporary open storage of vehicles and container trailers/tractors park under Application No. A/YL-KTS/580 for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection

(DEP) did not support the application as there were sensitive receivers, i.e. residential dwellings located to the north and west of the site (the nearest one about 15m away) and environmental nuisances were expected. Other relevant government departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage of vehicles and container trailers/tractors park could be tolerated for a further period of 3 years based on the assessments set out in paragraph 12 of the Paper. Although the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, approval of the application for another three years would not frustrate the long-term planning intention of the “AGR” zone. The development was considered not incompatible with the surrounding areas. Similar applications for various temporary open storage uses were approved in the vicinity of the site. Approval of the application was in line with the Committee's previous decisions. The application was in line with the Town Planning Board Guidelines Nos. 13E and 34B as all the approval conditions of the last application had been complied with, there was no adverse comment from the relevant departments except DEP and no local objection, and no major change in planning circumstances since the last approval. Although DEP did not support the application, no environmental complaint was received by DEP in the past three years. In order to address the concern of DEP, approval conditions restricting the operation hours and prohibiting dismantling, maintenance, repairing, cleansing, paint-spraying or other workshop activities were recommended.

101. Members had no question on the application.

Deliberation Session

102. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years from 6.10.2015 until 5.10.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are allowed on the site at any time during the planning approval period;
- (c) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (d) the traffic monitoring measures, as proposed by the applicant, should be implemented at all times during the planning approval period;
- (e) the drainage facilities implemented on the site under Application No. A/YL-KTS/580 shall be maintained at all times during the planning approval period;
- (f) the existing trees and landscape plantings on the site should be maintained at all times during the planning approval period;
- (g) the submission of a record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.1.2016;
- (h) the submission of parking layout plan with dimensions within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 6.4.2016;

- (i) in relation to (h) above, the implementation of the parking layout plan with dimensions within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 6.7.2016;
- (j) the provision of fire extinguisher(s) with a valid fire certificate (FS251) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.11.2015;
- (k) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.4.2016;
- (l) in relation to (k) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.7.2016;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

103. The Committee also agreed to advise the applicant of the following :

- “(a) to resolve any land issue relating to the development with the concerned owners of the site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Scheduled Agricultural Lots held under Block Government Lease which contains the restriction that no structure is allowed to be erected without prior approval of the Government. The site is accessible to Kam Tin Road via Government Land (GL). LandsD provides no maintenance works for the GL involved and does not guarantee any right-of-way. The private land of Lot No. 617 RP in D.D. 103 is covered by Short Term Waiver (STW) No. 2567 to permit structures for the purpose of “office and watchman shed ancillary to open storage of vehicles for sale/disposal and container trailer/tractor park”. Modification of Tenancy No. M6381 was issued for erection of structures over Lot No. 618 RP in D.D. 103 for private residential purpose. The site falls within the area of “Site of Potential Hazardous Installation” with Site No. N22. The site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structures of 5.2m (2 storeys) does not exceed the relevant airfield height limit within SKAHRA. The STW holder(s) will need to apply to LandsD for modification of the STW conditions to regularize any irregularities on-site. Besides, the lot owner(s) of the lot without STW will need to apply to LandsD to permit structures to be erected or regularize any irregularities on-site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (c) to note the comments of the Commissioner for Transport that the site is connected to the public road network via a section of local access road which is not managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the

management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly. Drivers should drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;

- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (e) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (f) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) that to improve the water supply system, WSD has planned to lay a 1200mm water main along the existing waterworks reserve of the access road leading to Au Tau Water Treatment Works and in the vicinity of the subject Lots No. 617 RP and 618 RP. The laying of the water mains is scheduled to be carried out in the years 2015 to 2020. As such, the applicant/tenants should take their own measures to cater for any disturbances and nuisance caused by the operation and maintenance of the water treatment works and the mainlaying works;
- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The Good Practice Guidelines for Open Storage Sites in Appendix VI of the RNTPC paper should be adhered to. The applicant is reminded that if the

proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorised under the BO and should not be designated for any use under the subject application. Before any new building works (including containers / open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of BD should be obtained. Otherwise, they are Unauthorised Buildings Works (UBW). An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and/or overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the

underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.”

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/676 Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” zone, Lot 291 (Part) in D.D. 109, Kam Tin Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/676)

Presentation and Question Sessions

104. Mr Kepler S.Y. Yuen, STP/FS&YLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) renewal of planning approval for temporary shop and services (real estate agency) under Application No. A/YL-KTS/582 for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Relevant government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the

temporary shop and services (real estate agency) could be tolerated for a further period of 3 years based on the assessments set out in paragraph 12 of the Paper. Although the proposed temporary shop and services use was not in line with the planning intention of the “Village Type Development (“V”) zone, it would provide real estate agency service to serve some of the local needs. There was no Small House application received at the site and approval of the application on a temporary basis for a period of 3 years would not jeopardize the long-term planning intention of the “V” zone. The development was considered not incompatible with the surrounding land uses which were mainly rural in character. The application was in line with the TPB PG-No. 34B in that there had been no material change in planning circumstances since the last planning approval, all the approval conditions of the last approval had been complied with, and there was no adverse comment from the relevant departments and no local objection was received.

105. Members had no question on the application.

Deliberation Session

106. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years from 20.10.2015 until 19.10.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 5:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;

- (d) the drainage facilities implemented on the site under Application No. A/YL-KTS/582 shall be maintained at all times during the planning approval period;
- (e) the existing trees and landscape plantings on the site should be maintained at all times during the planning approval period;
- (f) the submission of a record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.1.2016;
- (g) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.4.2016;
- (h) in relation to (g) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.7.2016;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (j) if any of the above planning conditions (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (k) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

107. The Committee also agreed to advise the applicant of the following :

- “(a) to resolve any land issue relating to the development with the concerned owners of the site;

- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Scheduled Agricultural Lot held under Block Government Lease which contains the restriction that no structure is allowed to be erected without prior approval of the Government. The site is accessible to Kam Sheung Road via Government Land (GL) and private land. LandsD provides no maintenance works for the GL involved and does not guarantee any right-of-way. The private land of Lot No. 291 in D.D. 109 is covered by Short Term Waiver (STW) No. 3746 to permit structures for the purpose of “Temporary Shop and Services (Real Estate Agency)”. The site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structures of 4m (1 storey) does not exceed the relevant airfield height limit within SKAHRA. Should the application be approved, the STW holder will need to apply to LandsD for modification of the STW conditions to regularize any irregularities on-site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (c) to note the comments of the Commissioner for Transport that the site is connected to the public road network via a section of local access road which is not managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly. Drivers should drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;

- (d) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (e) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD, they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works are to be carried out on the site, the prior approval and consent of the Buildings Authority (BA) should be obtained. Otherwise, they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. It appears that the site does not abut on a specified street of not less than 4.5m wide, in such respect, the development intensity shall be determined under the Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage. The site shall be provided with means of obtaining access thereto from a street under the B(P)R 5 and emergency access shall be provided under the B(P)R 41D. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD’s enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on-site under the BO. The

proposed structures may be considered as temporary buildings and are subject to control under the B(P)R Pt. VII; and

- (g) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and/or overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.”

[Dr W.K. Yau returned to join the meeting at this point.]

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/677 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 1433 S.C in D.D. 106, Tin Sam San Tsuen, Pat
Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/677)

Presentation and Question Sessions

108. Mr Kepler S.Y. Yuen, STP/FS&YLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as agricultural activities in the vicinity of the site were active and the site had potential for agricultural rehabilitation. Other relevant government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, 4 public comments were received from Designing Hong Kong Limited (DHKL) and three individuals. They objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone; approval of the application would set an undesirable precedent; there was adequate land within the “Village Type Development” (“V”) zone for Small House development; no traffic or environmental impact assessment had been submitted; shortage of parking and access; substandard road and parking area and the lack of emergency vehicular access; potential problem of private land ownership and maintenance of the access road connecting to the site; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed Small House was not in line with the planning intention of the “AGR” zone and there was no strong planning justification in the submission for a departure from the planning intention. The application did not comply with the Interim Criteria for assessing planning applications for New Territories Exempted House (NTEH) – Small House development in that the site and the footprint of the proposed NTEH – Small House fell entirely outside the village ‘environs’ of Tin Sam and Tin Sam (Kau Tsuen)

and the “V” zone of Tin Sam San Tsuen. It was considered more appropriate to concentrate the proposed Small House close to the existing village cluster within the “V” zone for a more orderly development pattern, efficient use of land and provision of infrastructure and services. There was no exceptional circumstances to justify approval of the application. Besides, three similar applications of which the concerned application sites fell entirely outside the ‘VE’ and “V” zones were rejected by the Committee. Approval of the application would set an undesirable precedent for similar development within the same “AGR” zone.

109. Members had no question on the application.

Deliberation Session

110. The Committee noted that PlanD did not support the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper. After deliberation, the Committee decided to reject the application. The reasons for rejection were :

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and
- (b) the application does not comply with the Interim Criteria for assessing planning applications for New Territories Exempted House (NTEH) – Small House development in that the proposed NTEH – Small House footprints fall entirely outside the village ‘environs’ of Tin Sam and Tin Sam (Kau Tsuen) and the “Village Type Development” zone of Tin Sam San Tsuen. Village house development should be sited close to the village proper as far as possible to maintain an orderly development pattern,

efficient use of land and provision of infrastructure and services. There is no exceptional circumstance to justify approval of the application.”

[The Vice-chairman thanked Mr K.T. Ng, Mr Jeff K.C. Ho, Mr Kevin C.P. Ng and Mr Kepler S.Y. Yuen, STPs/FS&YLE, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

Sha Tin, Tai Po and North District

[Mr Wallace W.K. Tang, Mr C.T. Lau and Mr C.K. Tsang, Senior Town Planners/Shu Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

[Mr Peter K.T. Yuen left the meeting temporarily at this point.]

Agenda Items 24 to 26

Section 16 Applications

[Open Meeting]

A/DPA/NE-TT/56 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lot 457 S.B in D.D. 289, Ko Tong, Tai Po
(RNTPC Paper No. A/DPA/NE-TT/56A)

A/DPA/NE-TT/57 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 456 S.A and 457 S.A in D.D. 289, Ko Tong, Tai Po
(RNTPC Paper No. A/DPA/NE-TT/57A)

A/DPA/NE-TT/59 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lot 476 S.B ss.3 in D.D. 289, Ko Tong, Tai Po
(RNTPC Paper No. A/DPA/NE-TT/59A)

111. The Committee noted that the three applications were similar in nature (New Territories Exempted Houses – Small Houses) and the application sites were close to one another within the same “Unspecified Use” Area. The Committee agreed that the three

applications should be considered together.

112. The Committee noted that on 15.9.2015, after issuance of the Papers, the applicants' agent wrote to the Town Planning Board requesting for deferment of consideration of the applications for two months as more time was required for the applicants to prepare further information to address the comments of relevant government departments. The letters from the applicants' agent were tabled at the meeting for Members' consideration. This was the second time that the applicants requested for deferment of the applications.

113. After deliberation, the Committee decided to defer a decision on the applications as requested by the applicants pending the submission of further information from the applicants. The Committee agreed that the applications should be submitted for its consideration within two months from the date of receipt of further information from the applicants. If the further information submitted by the applicants was not substantial and could be processed within a shorter time, the applications could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicants that two months were allowed for preparation of the submission of further information. Since it was the second deferment of the applications and a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Items 27, 28 and 30

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-HLH/23 Proposed House (New Territories Exempted House - Small House) in
"Agriculture" zone, Lot 471 S.B ss.18 in D.D.82, Chow Tin Tsuen, Lo
Shue Ling, Ta Kwu Ling
(RNTPC Paper No. A/NE-HLH/23)

A/NE-HLH/24 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 471 S.B ss.21 in D.D.82, Chow Tin Tsuen, Lo Shue Ling, Ta Kwu Ling
(RNTPC Paper No. A/NE-HLH/24)

A/NE-HLH/27 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 471 S.B ss.25 in D.D.82, Chow Tin Tsuen, Lo Shue Ling, Ta Kwu Ling
(RNTPC Paper No. A/NE-HLH/27)

114. The Committee noted that the three applications were similar in nature (New Territories Exempted Houses (NTEHs) – Small Houses) and the application sites were close to one another within the same “Agriculture” zone. The Committee agreed that the three applications should be considered together.

Presentation and Question Sessions

115. Mr Wallace W.K. Tang, STP/STN, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) proposed houses (New Territories Exempted Houses - Small Houses) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Papers. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from the agricultural development point of view as the sites possessed potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the applications from landscape perspective as the sites were located quite far away from the existing village cluster and approval of the applications would encourage expansion of village development to area outside the “Village Type Development (“V”) zone and necessitate construction of

road/path to serve the proposed Small Houses which might result in adverse landscape impact outside the site boundary. The Commissioner for Transport had reservation on the applications as such developments should be confined within the “V” zone as far as possible;

- (d) during the first three weeks of the statutory publication period, 5 public comments were received for application no. A/NE-HLH/23 and 4 public comments were received for each of applications no. A/NE-HLH/24 and A/NE-HLH/27. The same supporting public comments were submitted by a North District Council Member and two Inhabitant Representatives of Chow Tin Tsuen and the Resident Representative of Chow Tin Tsuen. They supported the applications mainly on the grounds that the sites were situated within the village ‘environ’ (‘VE’) of Chow Tin Tsuen in close proximity to the existing village cluster, and approval of the applications could meet the applicants’ housing need. The objecting public comments were submitted by Designing Hong Kong Limited, Kadoorie Farm and Botanic Garden Corporation and an individual (for Application No. A/NE-HLH-23 only). They objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “AGR” zone; agricultural land should be retained to safeguard the potential agricultural activities; no environmental and traffic impact assessments had been submitted; vegetation clearance had been undertaken on-site; approval of the case was in contravention of the Government’s new agricultural policy under consultation; and setting of undesirable precedent for similar applications; and

[Mr Peter K.T. Yuen returned to join the meeting at this point.]

- (e) PlanD’s views – PlanD did not support the applications based on the assessments set out in paragraph 11 of the Papers. The proposed developments were not in line with the planning intention of the “AGR” zone and there was no strong planning justification in the submissions for a departure from the planning intention. The applications were not in line with the Interim Criteria for consideration of application for NTEH/Small

House in New Territories in that although more than 50% of the footprint of the proposed Small Houses fell within the ‘VE’ of Chow Tin Tsuen, there was no general shortage of land in the “V” zone of the same village to meet the demand for Small House development. As land was still available within the “V” zone, it was considered more appropriate to concentrate the proposed Small Houses close to the existing village cluster within the “V” zone for more orderly development, efficient use of land and provision of infrastructures and services. Besides, there had not been any major change in planning circumstances for the area since the rejection of a similar application within the same “AGR” zone. Regarding the public comments, the comments of government departments and planning assessment above were relevant.

116. Members had no question on the applications.

Deliberation Session

117. The Committee noted that PlanD did not support the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper. After deliberation, the Committee decided to reject the application. The reasons for rejection were :

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Chow Tin Tsuen; and

- (c) land is still available within the “V” zone of Chow Tin Tsuen which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services.”

Agenda Item 29

Section 16 Application

[Open Meeting]

A/NE-HLH/26 Proposed Temporary Public Open Car Park (Private Cars) for a Period of 3 Years in “Village Type Development” zone, Lot 231 in D.D.83, Hung Lung Hang (near Siu Hang Tsuen)
(RNTPC Paper No. A/NE-HLH/26)

118. The Committee noted that the applicant’s agent requested on 28.8.2015 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of Transport Department and Urban Design and Landscape Planning Section of PlanD. This was the first time that the applicant requested for deferment of the application.

119. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 31

Section 16 Application

[Open Meeting]

A/NE-LYT/577 Proposed Temporary Public Open Car Park
(Private Cars) for a Period of 3 Years in “Agriculture” zone, Lots 1571
(Part) and 1572 (Part) in D.D.83, Lung Yeuk Tau
(RNTPC Paper No. A/NE-LYT/577)

120. The Committee noted that the applicant’s agent requested on 27.8.2015 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of Transport Department and Urban Design and Landscape Planning Section of PlanD. This was the first time that the applicant requested for deferment of the application.

121. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 32

Section 16 Application

[Open Meeting]

A/NE-STK/7 Temporary Eating Place (Restaurant) with ancillary Vehicle Park for a Period of 3 Years in “Recreation (1)” and “Village Type Development” zones, Lots 152 S.B RP and 172 S.B ss.2 (Part) in D.D.40, Ha Tam Shui Hang Village, Sha Tau Kok
(RNTPC Paper No. A/NE-STK/7)

122. The Committee noted that the applicant’s representative requested on 27.8.2015 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department. This was the second time that the applicant requested for deferment of the application.

123. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information. Since it was the second deferment of the application and a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 33

Section 16 Application

[Open Meeting]

A/NE-TKL/519 Temporary Warehouse and Open Storage for the Storage of Building Materials for a Period of 3 Years in “Agriculture” and “Open Storage” zones, Lot 779 in D.D.77, Ping Che, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/519)

124. The Committee noted that the applicant requested on 2.9.2015 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of the Transport Department. This was the first time that the applicant requested for deferment of the application.

125. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information and no further deferment would be granted unless under very special circumstances.

Agenda Items 34 to 37

Section 16 Applications

[Open Meeting]

A/NE-TKL/520 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 310 S.F in D.D. 77, Ping Che Kat Tin, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/520)

A/NE-TKL/521 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 310 S.G in D.D. 77, Ping Che Kat Tin, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/521)

A/NE-TKL/522 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lot 310 S.H in D.D. 77, Ping Che Kat Tin, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/522)

A/NE-TKL/523 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lot 310 S.I in D.D. 77, Ping Che Kat Tin, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/523)

126. The Committee noted that the four applications were similar in nature (New Territories Exempted Houses (NTEHs) – Small Houses) and the application sites were close to one another. The Committee agreed that the four applications should be considered together.

127. The Committee noted that the applicants’ representative requested on 1.9.2015 for deferment of the consideration of the applications for two months in order to allow time for preparation of further information on the provision of sewerage connection. This was the first time that the applicants requested for deferment of the applications.

128. After deliberation, the Committee decided to defer a decision on the applications

as requested by the applicants pending the submission of further information from the applicants. The Committee agreed that the applications should be submitted for its consideration within two months from the date of receipt of further information from the applicants. If the further information submitted by the applicants was not substantial and could be processed within a shorter time, the applications could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicants that two months were allowed for preparation of the submission of further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/546 Proposed House (New Territories Exempted House - Small House) in
 "Agriculture" zone, Lot 1534 RP in D.D. 8, San Tong, Lam Tsuen, Tai
 Po
 (RNTPC Paper No. A/NE-LT/546)

Presentation and Question Sessions

129. Mr C.T. Lau, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed house (New Territories Exempted House - Small House);

[Mr Philip S.L. Kan left the meeting temporarily at this point.]

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from

the agricultural development point of view as there were active agricultural activities in the vicinity and the site itself had high potential for rehabilitation of agricultural activities. The District Lands Officer/Tai Po, Lands Department did not support the application as the footprint of the proposed Small House fell entirely outside the “Village Type Development” (“V”) zone and village ‘environ’ (‘VE’) of San Tong. The Chief Engineer/Construction, Water Supplies Department objected to the application as the site was located within upper indirect Water Gathering Ground (WGG). There was no information to indicate that the proposed Small House could be connected to the planned sewerage system in the area and the wastewater generated would have the potential to cause water pollution to the WGG. The Director of Environmental Protection (DEP) did not support the application as the applicant proposed to use a septic tank and soakaway system for water treatment which was not in line with the requirement of the Hong Kong Planning Standards and Guidelines. Despite that the planned public sewerage system in San Tong was scheduled for completion in end 2016, the applicant failed to demonstrate the feasibility of public sewer connection;

- (d) during the first three weeks of the statutory publication period, two public comments from Designing Hong Kong Limited and an individual were received. They objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone; potential sewerage and fire safety impacts; no proper provision of parking in villages; and no submission of assessments on traffic and environmental impacts; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “AGR” zone. The proposed development was not in line with the Interim Criteria for consideration of application for New Territories Exempted House (NTEH)/ Small House in the New Territories in that more than 50% of the proposed Small House footprint was outside the “V” zone

and ‘VE’ of San Tong, there was currently no general shortage of land in the “V” zone of San Tong to meet the demand for Small House development, and the applicant failed to demonstrate that the water quality within the WGG would not be affected by the proposed development. As land was still available within the “V” zone, it was considered more appropriate to concentrate the proposed Small House development within “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services. Regarding the public comments, the comments of government departments and planning assessment above were relevant.

130. Members had no question on the application.

Deliberation Session

131. The Committee noted that PlanD did not support the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper. After deliberation, the Committee decided to reject the application. The reasons for rejection were :

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House (NTEH)/ Small House in the New Territories in that more than 50% of the footprint of the proposed Small House falls outside the “Village Type Development” (“V”) zone and the village ‘environs’ of San Tong Village and there is no general shortage of land in meeting the demand for Small House development in the “V” zone of San Tong;

- (c) the proposed development does not comply with the Interim Criteria for consideration of application for NTEH/Small House in New Territories in that the applicant fails to demonstrate that the proposed development located within Water Gathering Ground would not cause adverse impact on the water quality of the area; and
- (d) land is still available within the “V” zone of San Tong which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within “V” zone for a more orderly development pattern, efficient use of land and provision of infrastructure and services.”

[Mr Philip S.L. Kan returned to join the meeting at this point.]

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/100 Temporary Private Car Park (Private Cars and Light Goods Vehicle) for a Period of 3 Years in “Village Type Development” zone and area shown as ‘Road’, Lots 911(Part) and 912(Part) in D.D. 165 and Adjoining Government Land, Tseng Tau Village, Sai Kung North
(RNTPC Paper No. A/NE-SSH/100)

Presentation and Question Sessions

132. Mr C.T. Lau, STP/STN, drew Members’ attention that a replacement page (i.e. Plan A-1) of the Paper was tabled at the meeting. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) temporary private car park (private cars and light goods vehicle) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Relevant government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary private car park (private car and light goods vehicle) could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Whilst the proposed use was not totally in line with the planning intention of the “Village Type Development” zone, it was noted that the temporary private car park was mainly to serve the residents of Tseng Tau Village. No New Territories Exempted House application had been received for the site. The temporary private car park use would not frustrate the planning intention of the site. The proposed use was not incompatible with the surrounding village setting. Relevant government departments had no objection to or no adverse comment on the application. The site was the subject of two previously approved applications submitted by the same applicant for same use and all approval conditions had been complied with. There had been no major change in the development proposal and planning circumstances of the surrounding areas since the last approval.

133. Members had no question on the application.

Deliberation Session

134. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.9.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no vehicles other than private car and light good vehicle are allowed to be parked within the site;
- (b) no vehicle repairing, car washing/fuelling, vehicle dismantling and workshop activities shall be permitted within the site during the planning approval period;
- (c) the submission of landscape proposal including tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.3.2016;
- (d) in relation to (c) above, the implementation of the landscape proposal including tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.6.2016;
- (e) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.3.2016;
- (f) in relation to (e) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.6.2016;
- (g) if any of the above planning conditions (a) or (b) is not complied with at any time during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (h) if any of the above planning conditions (c), (d), (e) or (f) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and

- (i) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

135. The Committee also agreed to advise the applicant of the following :

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issue relating to the development with the concerned owner of the site;
- (c) to note the comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that no structure shall be erected on the lots without prior approval given by LandsD;
- (d) to note the comments of the Commissioner for Transport that no permanent structure should be erected in the area shown as ‘Road’ on the Outline Zoning Plan. The existing village access near the site is not under Transport Department’s management. The land status of the village track should be checked with the lands authority. The management and maintenance responsibilities of the village track road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant/owner is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the system;
- (f) to note the comments of the Director of Environmental Protection that the applicant should follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued

by the Environmental Protection Department to minimise the potential environmental impact on the surrounding area; and

- (g) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignments drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures:
 - (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier is necessary;
 - (ii) prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
 - (iii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.”

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/101 Temporary Private Car Park (Private Cars and Light Goods Vehicle) for a Period of 3 Years in “Village Type Development” zone, Lots 205 S.A ss.1, 205 S.A RP (Part), 231 (Part), 235 (Part), 236 (Part), 240 (Part), 241, 245 (Part), 1497 S.A (Part) and 1497 RP (Part) in D.D. 165 and Adjoining Government Land, Tai Tung Village, Shap Sz Heung, Sai Kung North
(RNTPC Paper No. A/NE-SSH/101)

Presentation and Question Sessions

136. With the aid of a Powerpoint presentation, Mr C.T. Lau, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary private car park (private cars and light goods vehicle) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Relevant government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary private car park (private car and light goods vehicle) could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Whilst the proposed use was not totally in line

with the planning intention of “Village Type Development” zone, it was noted that the temporary private car park was mainly to serve the residents of Tseng Tau Village. No New Territories Exempted House application had been received for the site. The temporary private car park use would not frustrate the planning intention of the site. Relevant government departments had no objection to or no adverse comment on the application. The site was the subject of two previously approved applications submitted by the same applicant for same use and all approval conditions had been complied with. There had been no major change in the development proposal and planning circumstances of the surrounding areas since the last approval.

137. Members had no question on the application.

Deliberation Session

138. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.9.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no vehicles other than private car and light goods vehicle are allowed to be parked within the site;
- (b) no vehicle repairing, car washing/fuelling, vehicle dismantling and workshop activities shall be permitted within the site during the planning approval period;
- (c) the submission of landscape proposal including tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.3.2016;
- (d) in relation to (c) above, the implementation of the landscape proposal including tree preservation proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the

TPB by 18.6.2016;

- (e) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.3.2016;
- (f) in relation to (e) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.6.2016;
- (g) if any of the above planning conditions (a) or (b) is not complied with at any time during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (h) if any of the above planning conditions (c), (d), (e) or (f) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (i) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

139. The Committee also agreed to advise the applicant of the following :

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issue relating to the development with the concerned owner of the site;
- (c) to note the comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that no structure shall be erected on the lots without the prior approval from LandsD. Concerning the Government land involved, application for Short Term Tenancy (STT) would be considered

subject to the availability of policy support from the relevant bureau/department. There is no guarantee that the application for STT will ultimately be approved. If the STT is approved by LandsD at its discretion, such approval might be subject to such terms and conditions, including payment of fee/rent, as imposed by LandsD;

- (d) to note the comments of the Commissioner for Transport that the existing village access near the site is not under Transport Department's management. The land status of the village track should be checked with the lands authority. The management and maintenance responsibilities of the village track road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the access adjacent to the site is not maintained by HyD;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant/owner is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the system;
- (g) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (h) to note the comments of the Director of Electrical and Mechanical Services

that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignments drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures:

- (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier is necessary;
 - (ii) prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
 - (iii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and
- (i) to note the comments of the Director of Environmental Protection that the applicant should follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise the potential environmental impact on the surrounding area.”

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/556 Temporary Rental and Parking of Bicycles for a Period of 3 Years in area shown as 'Road', Government land in D.D. 28, Tai Mei Tuk, Tai Po (Including an area outside the Outline Zoning Plan)
(RNTPC Paper No. A/NE-TK/556)

Presentation and Question Sessions

140. Mr C.T. Lau, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary rental and parking of bicycles for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Relevant government departments had no objection to or no adverse comment on the application;

[Dr W.K. Yau left the meeting and Mr Martin W.C. Kwan returned to join the meeting at this point.]

- (d) during the first three weeks of the statutory publication period, two public comments from a villager of Lung Mei Village and Lung Mei Village Office were received. They objected to the application mainly on the grounds that the proposed development would cause adverse noise, environmental hygiene and road safety impacts; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary rental and parking of bicycles could be tolerated for a period of three years as proposed by the applicant based on the assessments set out in

paragraph 10 of the Paper. As there was currently no road widening programme for the area and the proposed use was on a temporary basis for three years, the approval of the application would unlikely frustrate the long-term planning intention of the area shown as 'Road' on the Outline Zoning Plan. The temporary use under application was considered not incompatible with the surrounding uses where existing bicycle rental stalls and restaurants on the ground floor of village houses were found in its vicinity. Relevant government departments had no objection to or no adverse comment on the application. The site was the subject of a previously approved application submitted by the same applicant for the same use. The planning permission was revoked due to non-compliance with the approval condition on the submission of fire services installations. Three similar applications were approved by the Committee between 2011 and 2014 and there was no major change in planning circumstances since those approvals. Regarding the public comments, the above assessments were relevant.

141. Members had no question on the application.

Deliberation Session

142. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.9.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 7:00 p.m. and 9:30 a.m. on Mondays to Saturdays and between 7:00 p.m. and 9:00 a.m. on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the submission of fire service installations and water supplies for fire fighting proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.12.2015;

- (c) in relation to planning condition (b) above, the provision of fire service installations and water supplies for fire fighting within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.3.2016;
- (d) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (e) if any of the above planning conditions (b) or (c) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (f) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

143. The Committee also agreed to advise the applicant of the following :

- “(a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to note the comments of District Land Officer/Tai Po, Lands Department (DLO/TP, LandsD) that the tenant will be required to apply to DLO/TP, LandsD for a fresh Short Term Tenancy (STT) if the planning application were approved. Such STT application will be considered by LandsD acting in the capacity as landlord at its sole discretion. Nevertheless, there is no guarantee that such approval will eventually be given. If such STT application was approved, it would be subject to such terms and conditions, including among others the payment of premium or rental and fee, as may be imposed by LandsD;
- (c) to note the comments of the Commissioner for Transport that the applicant

shall vacate the site upon request by the Government;

- (d) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the Transport Department has instructed HyD to remove part of the planter at the back of the site for a new footpath;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should be requested to carry out routine maintenance to ensure that the drainage facilities within the site are in good working condition. There is existing public sewerage available for connection in the vicinity of the site;
- (f) to note the comments of the Director of Electrical and Mechanical Services the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures:
 - (i) for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier is necessary;
 - (ii) prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structures; and
 - (iii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection)

Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and

- (g) to note the comments of the Director of Fire Services that if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the site, fire service installations (FSIs) will need to be installed. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. In preparing the submission, the applicant should also note the following points:
- (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (ii) the location of where the proposed FSI to be installed and the access for emergency vehicles should be clearly indicated on the layout plans.”

Agenda Items 42 to 44

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/557 Proposed House (New Territories Exempted House - Small House) in “Green Belt” zone, Lot 99 RP and adjoining Government land in D.D. 28, Lung Mei Tsuen, Ting Kok, Tai Po
(RNTPC Paper No. A/NE-TK/557)

A/NE-TK/558 Proposed House (New Territories Exempted House - Small House) in “Green Belt” zone, Lots 140 S.A RP, 140 S.B RP and 141 in D.D. 28, Lung Mei Tsuen, Tai Po
(RNTPC Paper No. A/NE-TK/558)

A/NE-TK/559 Proposed House (New Territories Exempted House - Small House) in “Green Belt” zone, Government Land (near Lot 393) in D.D. 28, Lung Mei Tsuen, Tai Po
(RNTPC Paper No. A/NE-TK/559)

144. The Committee noted that the three applications were similar in nature (New Territories Exempted Houses (NTEHs) – Small Houses) and the application sites were close to one another within the same “Green Belt” (“GB”) zone. The Committee agreed that the three applications should be considered together.

Presentation and Question Sessions

145. Mr C.T. Lau, STP/STN, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) proposed houses (NTEHs - Small Houses) at each of the sites;
- (c) departmental comments

Application No. A/NE-TK/557

- departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the proposed development involving clearance of some existing vegetation would cause adverse landscape impact but the applicant failed to demonstrate if the adverse impact could be mitigated. The surrounding area had been cleared due to previously approved Small House applications, The approval of the current application would likely lead to further encroachment onto the “GB” zone and the cumulative impact of the Small House development on the landscape of the wooded hillside would be significant;

Application No. A/NE-TK/558

- departmental comments were set out in paragraph 11 and Appendix IV of the Paper. CTP/UD&L, PlanD objected to the application as the vegetation cover including trees and shrubs had been removed and the site was formed. Approval of the application would encourage similar site modification prior to application extending northward in the “GB” zone, thus resulting in piecemeal developments destroying the high landscape quality of the Pat Sin Leng hill slope area;

Application No. A/NE-TK/559

- departmental comments were set out in paragraph 10 and Appendix IV of the Paper. CTP/UD&L, PlanD had reservation on the application and considered that the existing trees within the site would likely be affected by the construction of the Small House and that approval of the application would set an undesirable precedent and encourage Small House developments on government land outside the Lung Mei Village proper. As the footprint of the Small House covered the whole application area and no landscape measure could be provided within or outside the site, adverse landscape impact due to the proposed development could not be mitigated;

(d) public comments

Application No. A/NE-TK/557

- during the first three weeks of the statutory publication period, four public comments from Mutual Aid Committee of a residential development at Lung Mei Village, World Wide Fund for Nature Hong Kong (WWF), Designing Hong Kong Limited (DHK) and an individual were received;

Application No. A/NE-TK/558

- during the first three weeks of the statutory publication period, three public comments from WWF, DHK and the Village Representative of Lung Mei Village were received;

Application No. A/NE-TK/559

- during the first three weeks of the statutory publication period, four public comments from WWF, DHK, Green Sense and an individual were received;
 - all of the public comments objected to the applications mainly on the grounds of not being in line with the planning intention of “GB” zone and the Town Planning Board Guidelines No. 10 (TPB PG-No. 10); setting undesirable precedent; vegetation clearance, a suspected ‘destroy first, build later’ situation (for Application No. A/NE-TK/557 only); adverse safety, sewerage, ecology and water quality impacts; and the cumulative impact resulting in degradation of the natural environment; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessments set out in paragraphs 12 or 13 (for Application No. A/NE-TK/558) of the Papers. The sites fell within the “GB” zone. The proposed Small Houses were not in line with the planning intention of the “GB” zone and there was a general presumption against development within the zone. It was considered more appropriate to concentrate the proposed Small Houses development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services. The proposed developments did not comply with the Interim Criteria for consideration of application for NTEH/Small House in New Territories as they would cause adverse landscape impacts on the surrounding areas. The proposed developments also did not comply with the TPB PG-No. 10 as they involved clearance of existing natural vegetation which would result in deterioration of landscape quality in the subject “GB” zone (for Applications No. A/NE-TK/557 and

559) or could affect the existing natural landscape of the surrounding environment (for Application No. A/NE-TK/558). Land was still available within the “V” zone of the concerned villages. Regarding the public comments, the comments of government departments and planning assessment above were relevant.

146. Members had no question on the applications.

Deliberation Session

147. The Committee noted that PlanD did not support the applications. Members then went through the reasons for rejection as stated in paragraphs 13.1 or 14.1 (for Application No. A/NE-TK/558) of the Papers. After deliberation, the Committee decided to reject the applications. The reasons for rejection were :

Applications No. A/NE-TK/557 and A/NE-TK/559

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone;
- (b) the proposed development does not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would involve clearance of existing natural vegetation and affect the existing natural landscape of the surrounding environment;
- (c) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the proposed development would cause adverse landscape impacts on the surrounding areas; and

- (d) land is still available within the “Village Type Development” (“V”) zone of Lung Mei, Tai Mei Tuk and Wong Chuk Tsuen which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

Application No. A/NE-TK/558

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone;
- (b) the proposed development does not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would affect the existing natural landscape of the surrounding environment;
- (c) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the proposed development would cause adverse landscape impacts on the surrounding areas; and
- (d) land is still available within the “Village Type Development” (“V”) zone of Lung Mei, Tai Mei Tuk and Wong Chuk Tsuen which is primarily intended for Small House development.

Agenda Item 45

Section 16 Application

[Open Meeting]

A/ST/880 Proposed Wholesale Conversion for Shop and Services and Eating Place in “Industrial” zone, Sha Tin Town Lot No. 27, 2-8 Shing Wan Road, Sha Tin
(RNTPC Paper No. A/ST/880A)

148. The Secretary reported that the application was submitted by Hansun Investment Limited with Environ Hong Kong Limited (Environ) as one of the consultants of the applicant. Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests in the item as they had current business dealings with Environ. As the applicant had requested for a deferral of consideration of the application, the Committee agreed that Mr Fu and Ms Lai could stay in the meeting if they had no involvement in the application.

149. The Committee noted that the applicant’s representative requested on 2.9.2015 for deferment of the consideration of the application for another two months in order to allow time for preparation of further information to address the further comments of relevant government departments including Drainage Services Department, Environmental Protection Department and Transport Department. This was the second time that the applicant requested for deferment of the application.

150. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information. Since it was the second deferment of the application and a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 46

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/883 Office in “Industrial” zone, Workshop X, 2/F, Valiant Industrial
Centre, No. 2-12 Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/883)

Presentation and Question Sessions

151. Mr C.K. Tsang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) office;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Relevant government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed partial conversion of 2/F of an existing industrial building for office use was considered not incompatible with the industrial and industrial-related uses in the subject industrial building and its vicinity. Relevant government departments had no objection to or no adverse comment on the application. The proposed office under application generally complied with the relevant considerations set out in the Town Planning Board Guidelines No. 25D. It would have no adverse impact on

the area and was acceptable from the fire safety perspective. Two previous applications for the same applied use were approved with conditions on a temporary basis by the Committee and the applicant had complied with all the approval conditions. The current application was the same as the last application in terms of the applied use, floor area and layout and there was no major change in planning circumstance in the area since the approval of the last application. A temporary approval of three years was recommended in order not to jeopardise the long term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

152. Members had no question on the application.

Deliberation Session

153. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.9.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission and implementation of the fire safety measures within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.3.2016;
- (b) the submission of an air quality assessment and the implementation of suitable mitigation measures identified therein within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or the TPB by 18.3.2016; and
- (c) if any of the above planning conditions (a) or (b) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

154. The Committee also agreed to advise the applicant of the following :

Metropolitan Sports Events Association which had obtained sponsorship from CLP

156. The Committee noted that Dr Yau had already left the meeting. As the applicant had requested for a deferral of consideration of the application, the Committee agreed that Ms Lee could stay in the meeting.

157. The Committee noted that the applicant requested on 10.9.2015 for deferment of the consideration of the application for one month in order to allow time for preparation of further information to address the comments raised by the villagers of Kau To Village. This was the first time that the applicant requested for deferment of the application.

158. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that one month was allowed for preparation of the submission of further information and no further deferment would be granted unless under very special circumstances.

[The Vice-chairman thanked Mr Wallace W.K. Tang, Mr C.T. Lau and Mr C.K. Tsang, STPs/STN, for their attendance to answer Members' enquiries. They left the meeting at this point.]

Tuen Mun and Yuen Long West District

Agenda Item 48

Section 16 Application

[Open Meeting]

A/TM-SKW/93 Temporary Barbecue Area (for a Period of 3 Years) in “Village Type Development” zone, Lots 263 S.B (Part) and 268 (Part) in D.D. 385 and Adjoining Government Land, Tai Lam Chung, Tuen Mun
(RNTPC Paper No. A/TM-SKW/93)

159. The Committee noted that the applicant’s representative requested on 2.9.2015 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of the Environmental Protection Department on waste water assessment report. This was the first time that the applicant requested for deferment of the application.

160. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 49

Section 16 Application

[Open Meeting]

A/TM/478 Proposed Office cum Shop and Services/ Private Club/ Eating Place in
“Industrial” zone, Tuen Mun Town Lot No. 74 S.A, 3B Hung Cheung
Road, Tuen Mun
(RNTPC Paper No. A/TM/478)

161. The Secretary reported that the application was submitted by Grand Hall Limited, Man Sun Property Limited and Man Sun Investment Limited, with Environ Hong Kong Limited (Environ) as one of the consultants of the applicant. Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests in the item as they had current business dealings with Environ. As the applicant had requested for a deferral of consideration of the application, the Committee agreed that Mr Fu and Ms Lai could stay in the meeting as they had no involvement in the application.

162. The Committee noted that the applicant’s representative requested on 2.9.2015 for deferment of the consideration of the application for two months in order to allow time for preparation of responses to address the comments of the Transport Department, Environmental Protection Department, Drainage Services Department and Director-General of Trade and Industry. This was the first time that the applicant requested for deferment of the application.

163. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information and no further deferment would be granted unless under very special circumstances.

[Mr Vincent T.K. Lai, Mr K.C. Kan and Ms Bonita K.K. Ho, Senior Town Planners/Tuen Mun and Yuen Long West (STPs/TM&YLW), were invited to the meeting at this point.]

Agenda Item 50

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/959 Proposed Temporary Logistics Centre for a Period of 3 Years in
“Comprehensive Development Area” zone, Lots No. 3241, 3242, 3243,
3246, 3248, 3253, 3265 RP, 3268, 3269, 3270, 3271, 3272, 3273, 3274,
3275, 3276 (Part), 3277, 3278, 3279, 3280 in D.D.129 and Adjoining
Government Land, Ha Tsuen, Yuen Long

(RNTPC Paper No. A/YL-HT/959A)

164. The Secretary reported that Ms Janice W.M. Lai had declared an interest in the item as her husband was a shareholder of a company which owned two pieces of lands in Ha Tsuen. The Committee noted that the two pieces of land of Ms Lai’s spouse did not have direct view of the site and agreed that she could stay in the meeting.

Presentation and Question Sessions

165. Mr Vincent T.K. Lai, STP/TM&YLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed temporary logistics centre for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and along the access road (Ping Ha Road).

Environmental nuisance was expected. Other relevant government departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary logistics centre could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. Although the proposed use was not in line with the planning intention of the “Comprehensive Development Area “ (“CDA”) zone, there was not yet any programme/known intention to implement the zoned use on the Outline Zoning Plan (OZP) and approval of the application on a temporary basis of 3 years would not jeopardise the long-term development of the area. The applied uses were not incompatible with the surrounding uses within the subject “CDA” zone. The development was in line with the Town Planning Board Guidelines No. 13E in that there was no adverse comment from concerned government departments and the technical concerns raised by relevant government departments could be addressed by imposing relevant approval conditions. While DEP did not support the application, there was no environmental complaint against the site over the past 3 years. To address DEP's concerns and to mitigate any potential environmental impacts, relevant approval conditions had been recommended. Due to the demand for open storage and port back-up uses in the area, the Committee had approved 21 applications for the site and 8 similar applications within the same “CDA” zone on the Ha Tsuen OZP for similar temporary open storage and port back-up uses since the promulgation of TPB-PG-No. 13E. Since granting of those approvals, there had been no material change in planning circumstances. Approval of the subject application was in line with the Committee's previous decisions.

166. Members had no question on the application.

Deliberation Session

167. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.9.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 9:00 p.m. to 7:00 a.m., as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (c) no workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to public road or reverse onto/from the public road at all times during the planning approval period;
- (e) the implementation of the accepted drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.3.2016;
- (f) the maintenance of the implemented drainage facilities at all times during the planning approval period;
- (g) the implementation of the accepted tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.3.2016;
- (h) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 18.3.2016;
- (i) in relation to (h) above, the implementation of the fire service installations

proposal within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 18.6.2016;

- (j) the provision of fencing of the site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.3.2016;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (f) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (e), (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (m) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

168. The Committee also agreed to advise the applicant of the following :

- “(a) the planning permission is given to the development/use and structures under application. It does not condone any other development/use (i.e. open storage and parking of vehicles) which currently exists on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses not covered by the permission;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) to note that the erection of fence walls and external mesh fences on private

land are building works subject to the control under the Buildings Ordinance (BO). The applicant should obtain the Building Authority's (BA) prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;

- (d) to note the comments of District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site is situated on Old Schedule Agricultural Lots held under the Block Government Lease which contain the restriction that no structures are allowed to be erected without prior approval of the Government. A portion of Government Land (GL) (about 2,190m²) at the western side of the site is covered by Short Term Tenancy (STT) No. 2651 for the purpose of 'container vehicle park'. No permission is given for the occupation of remaining GL (about 200m² subject to verification) included in the site. The act of occupation of GL without Government's prior approval is not encouraged. The site is accessible to Ping Ha Road through GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The lot owner would still need to apply to him to permit structures to be erected or regularize any irregularities on-site. Besides, the STT holder will need to apply to his office for modification of the STT condition. Furthermore, the applicant has to either exclude the GL portion from the site or apply to him for a formal approval prior to the actual occupation of the GL portion. Such application would be considered by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If the application is approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as may be imposed by LandsD;
- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimise any potential environmental nuisance;

- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that all proposed drainage facilities should be constructed and maintained by the applicant at his own costs. For drainage works outside the applicant's site, the consent of DLO/or relevant private lot owners on the proposed drainage works shall be obtained prior to the commencement of drainage works. The applicant is required to properly maintain the drainage facilities and rectify those facilities if they are found to be inadequate or ineffective during operation. The applicant shall be liable for and shall indemnify claims and demands arising out of any damage or nuisance caused by a failure of their drainage facilities;

- (g) to note the comments of the Commissioner for Transport that sufficient space should be provided within the application site for manoeuvring of vehicles. The local track leading to the subject site is not under Transport Department's purview. The land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains and his department shall not be responsible for the maintenance of any access connecting the site and Ping Ha Road;

- (i) to note the detailed comments of the Director of Fire Services that in consideration of the design/nature of the structures, fire services installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans;

- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that before any new building works (including containers/open storage sheds as temporary building) are to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO. In connection with the above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (k) to note the comments of the Project Manager/(New Territories West), Civil Engineering and Development Department and the Chief Town Planner/Studies & Research, Planning Department that the site falls within the boundary of Hung Shui Kiu New Development Area (HSK NDA). Depending on the development programme of the HSK NDA which is being formulated, further extension of the planning permission may not be entertained.”

Agenda Item 51

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/973 Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” zone, Lot 1149 (Part) in D.D. 125, Tseung Kong Wai, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/973)

169. The Secretary reported that Ms Janice W.M. Lai had declared an interest in the item as her husband was a shareholder of a company which owned two pieces of lands in Ha Tsuen. The Committee noted that the two pieces of land of Ms Lai’s spouse did not have direct view of the site and agreed that she could stay in the meeting.

Presentation and Question Sessions

170. Mr Vincent T.K. Lai, STP/TM&YLLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed temporary shop and services (real estate agency) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Relevant government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed temporary shop and services (real estate agency) could be

tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. Although the temporary shop and services use was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, no Small House application had been received for the site. It was considered that approval of the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone. The proposed use was of a small scale and was intended to serve the local residents. The proposed temporary use was not incompatible with the planned land use for the area. Given the small-scale of the proposed development, it would not cause significant adverse environmental, visual, landscape, traffic or drainage impact on the surrounding areas. Relevant government departments had no objection to or no adverse comment on the application. The Committee had approved eight similar applications within the “V” zone for similar temporary shop and services since 2005. Approval of the current application was in line with the Committee’s previous decisions.

171. Members had no question on the application.

Deliberation Session

172. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.9.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the implementation of the accepted drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.3.2016;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;

- (d) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.3.2016;
- (e) in relation to (d) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.6.2016;
- (f) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.3.2016;
- (g) in relation to (f) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2016;
- (h) if any of the above planning conditions (a) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (i) if any of the above planning conditions (b), (d), (e), (f) or (g) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (j) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

173. The Committee also agreed to advise the applicant of the following :

- “(a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;

- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval from the Government. The site is accessible to San Sik Road through a local track located on both private lot and Government Land (GL). In this regard, his office provides no maintenance work for the GL involved and does not guarantee right-of-way. The lot owner(s) concerned would still need to apply to his Office to permit any structures to be erected or regularize any irregularities on site. Such application would be considered by the LandsD acting in the capacity as landlord at its sole discretion and no guarantee that such application will be approved. If such application is approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as may be imposed by LandsD;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and adjacent areas. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the drainage works;
- (d) to note the comments of the Director of Environmental Protection that the applicant is reminded to adopt the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any potential environmental nuisance;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. The HyD shall not be responsible for the maintenance of any access connecting the site and San Sik Road;

- (f) to note comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Building Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted Houses), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the application site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For the UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (h) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and the relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the site, the applicant and/or the applicant's contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and the applicant's contractors when carrying out works in the vicinity of the electricity supply lines; and

- (i) to note the comments of the Chief Engineer/Construction of the Water Supplies Department that the water mains in the vicinity of the site cannot provide the standard pedestal hydrant."

Agenda Item 52

Section 16 Application

[Open Meeting]

A/YL-HT/975 Proposed Social Welfare Facility (Rehabilitation Home for Persons with Mental Disabilities) in “Village Type Development” zone, Lots 317 S.C (Part) and 317 S.F (Part) in D.D. 124, Shek Po Tsuen, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/975)

174. The Secretary reported that Ms Janice W.M. Lai had declared an interest in the item as her husband was a shareholder of a company which owned two pieces of lands in Ha Tsuen. As the applicant had requested for a deferral of consideration of the application and the two pieces of land of Ms Lai’s spouse did not have direct view of the site, the Committee agreed that Ms Lai could stay in the meeting.

175. The Committee noted that the applicant requested on 6.9.2015 for deferment of the consideration of the application for two months in order to allow time to address departmental comments and public comments. This was the first time that the applicant requested for deferment of the application.

176. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information and no further deferment would be granted unless under very special circumstances.

[Mr Martin W.C. Kwan left the meeting at this point.]

Agenda Item 53

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/976 Temporary Warehouse for Storage of Food Provision for a Period of 3 Years in “Recreation” zone, Lots 673 (Part), 674 (Part), 675 S.A, 675 S.B and 676 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/976)

177. The Secretary reported that Ms Janice W.M. Lai had declared an interest in the item as her husband was a shareholder of a company which owned two pieces of lands in Ha Tsuen. The Committee noted that the two pieces of land of Ms Lai’s spouse did not have direct view of the site and agreed that she could stay in the meeting.

178. The Secretary drew Members’ attention that three replacement pages (i.e. p.5, 10 and 11) of the Paper were table at the meeting for Members’ information.

Presentation and Question Sessions

179. Mr Vincent T.K. Lai, STP/TM&YLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary warehouse for storage of food provision for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive users nearby and along San Sik Road and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from landscape planning point of view as the proposed use was incompatible with the

surrounding environment and approval of the application would likely encourage more open storage use in the area leading to further deterioration of the surrounding landscape character and landscape resources. Other relevant government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, three public comments from two individuals and Designing Hong Kong Limited were received. They objected to the application on the grounds that the track leading to the site was too narrow; the increase in traffic flow would cause noise nuisance; the application was not in line with the planning intention of the “Recreation” (“REC”) zone of the Outline Zoning Plan (OZP) and the recommended uses for the Hung Shui Kiu New Development Area; the warehouse might have been built without prior planning permission; and the setting of undesirable precedent; and

- (e) PlanD’s views – PlanD considered that the temporary warehouse for storage of food provision could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. Although the proposed use was not in line with the planning intention of the “REC” zone, there was not yet any programme/known intention to implement the zoned use on the OZP. Approval of the application on a temporary basis of 3 years would not jeopardise the long-term development of the area. While CTP/UD&L of PlanD had reservation on the application from landscape and rural character compatibility aspects, the applied use was not incompatible with various open storage and storage uses in its immediate surrounding area. While DEP did not support the application, there was no environmental complaint against the site over the past 3 years. To address DEP’s concerns and to mitigate any potential environmental impacts, relevant approval conditions had been recommended. Other relevant government departments had no objection to or no adverse comment on the application. The storage activity of the current application would be conducted within an enclosed structure and no open storage was proposed. The applicant had submitted supporting

information including traffic and drainage assessments, drainage and landscaping proposals to demonstrate that the proposed development would not have significant adverse impacts on the surrounding environment. Furthermore, the applicant has proposed mitigation measures including restriction on operation hours, no workshop activity within the site and type of vehicles used. Regarding the public comments, the above assessments were relevant.

180. Members had no question on the application.

Deliberation Session

181. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.9.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 9:00 a.m. on Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no workshop activity, as proposed by the applicant, is allowed on site at any times during the planning approval period ;
- (d) no goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to enter the site at any times during the planning approval period;
- (e) no vehicle is allowed to queue back to public road or reverse onto/from the public road at any time during the planning approval period;
- (f) the implementation of the accepted drainage proposal within 6 months from

the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.3.2016;

- (g) in relation to (f) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.3.2016;
- (i) in relation to (h) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.6.2016;
- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.3.2016;
- (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2016;
- (l) the provision of fencing of the site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.3.2016;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (f), (h), (i), (j), (k) or (l) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further

notice; and

- (o) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

182. The Committee also agreed to advise the applicant of the following :

- “(a) prior planning permission should have been obtained before continuing the development on-site;
- (b) the planning permission is given to the development/use and structures under application. It does not condone any other development/use (i.e. parking of vehicles) which currently exists on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses not covered by the permission;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (d) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance (BO). The applicant should obtain the Building Authority’s (BA) prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (e) to note the comments of District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site is situated on Old Schedule Agricultural Lots held under the Block Government Lease which contain the restriction that no structures are allowed to be erected without prior approval of the Government. No permission is given for the occupation of remaining Government Land (GL) (about 21m² subject to verification) included in the site. The act of occupation of GL without Government’s

prior approval is not encouraged. The site is accessible to San Sik Road through private lots and GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The applicant has to either exclude the GL portion from the site or apply to him for a formal approval prior to the actual occupation of the GL portion. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If the application is approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as may be imposed by LandsD;

- (f) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimise any potential environmental nuisance;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and adjacent areas. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the drainage works;
- (h) to note the comments of the Commissioner for Transport that sufficient space should be provided within the application site for maneuvering of vehicles. The local track leading to the subject site is not under Transport Department's purview. The land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (i) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains and his department shall not be responsible for the maintenance

of any access connecting the site and Lau Fau Shan Road;

- (j) to note the detailed comments of the Director of Fire Services that in consideration of the design/nature of the structures, fire services installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans; the location of where the proposed FSIs to be installed should be clearly marked on the layout plans;
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that before any new building works (including containers/open storage sheds as temporary building) are to be carried out on the application site, the prior approval and consent of the BA should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO. In connection with the above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (l) to note the comments of the Chief Town Planner/Studies and Research, Planning Department that according to the Recommended Outline Development Plan for the Hung Shui Kiu New Development Area

(HSK NDA) promulgated for public consultation in June 2015, the application site falls within an area zoned “District Open Space”. Depending on the development programme of the HSK NDA which is being formulated, further extension of the planning permission should be subject to review of the concerned bureaux and departments.”

[Dr C.P. Lau and Professor K.C. Chau left the meeting at this point.]

Agenda Item 54

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/279 Proposed Temporary Open Storage of Building Materials with Ancillary Office for a Period of 3 Years in “Green Belt” zone, Lots 1574 and 1575 RP in D.D.129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/279)

Presentation and Question Sessions

183. Mr Vincent T.K. Lai, STP/TM&YLW, drew Members’ attention that a replacement page (i.e. p.10) of the Paper was tabled at the meeting. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed temporary open storage of building materials with ancillary office for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity and along the access road (Deep Bay Road), and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on

the application from landscape planning point of view as the proposed open storage use was incompatible with the surrounding character and approval of the application would likely encourage more open storage use in the area leading to further deterioration of the surrounding landscape character and landscape resources;

- (d) during the first three weeks of the statutory publication period, five public comments objecting to the application were received from Kadoorie Farm & Botanic Garden Corporation, Designing Hong Kong Limited and World Wide Fund for Nature (WWF) and two individuals. They objected to the application on grounds that the proposed development was not in line with the intention of the “Green Belt” (“GB”) zone; the development was a suspected ‘destroy first, build later’ case; the site was within the Wetland Buffer Area; the proposed use was incompatible with the surrounding areas; the proposed development did not comply with the Town Planning Board Guidelines; the proposal would generate adverse drainage, traffic, environmental, ecological and visual impacts, generate fire risks and/or approval of the application would set an undesirable precedent; and

- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “GB” zone. The proposed development was not in line with the Town Planning Board Guidelines No. 10 in that there was no strong planning justification in the submission to support the applied use, the development was not compatible with the surrounding areas which were predominately rural in character and would cause adverse landscape impact on the surrounding area. The proposed development was not in line with the Town Planning Board Guidelines No. 13E since there was no previous approval for the site and the applicant had not demonstrated any exceptional circumstance to justify the development. No approval for similar open storage use had ever been granted by the Committee within the subject “GB” zone. Approval of the subject application would set an undesirable precedent and encourage proliferation of open storage uses within the subject “GB” zone. The

cumulative effect of approving such similar applications, even on a temporary basis, would result in a general degradation of the environment of the area. Regarding the public comments, the above assessments were relevant.

184. Members had no question on the application.

Deliberation Session

185. The Committee noted that PlanD did not support the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper. After deliberation, the Committee decided to reject the application. The reasons for rejection were :

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone, which is to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl, as well as to provide passive recreational outlets. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed development is not in line with the Town Planning Board Guidelines No. 10 for Application for Development within the “GB” zone in that the development is not compatible with the surrounding areas;
- (c) the development is not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that the applicant has not provided any strong planning justification to demonstrate that the proposed open storage use in Category 4 areas should be treated as exception under the Guidelines; and
- (d) approval of the application would set an undesirable precedent for similar open storage use in the “GB” zone, the cumulative effect of which would result in a general degradation of the environment of the area.”

Agenda Item 55

Section 16 Application

[Open Meeting]

A/YL-PS/489 Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years in “Village Type Development” zone, Lots 390 (Part), 392 (Part), 403 RP (Part) and 404 (Part) in D.D. 122 and Adjoining Government Land, Sheung Cheung Wai, Ping Shan, Yuen Long

(RNTPC Paper No. A/YL-PS/489)

186. The Committee noted that the applicant requested on 12.9.2015 for deferment of consideration of the application for two months in order to allow time to address the comments of the Lands Department. This was the first time that the applicant requested for deferment of the application.

187. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 56

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/490 Eating Place in “Residential (Group B) 2” zone, Shop 23, G/F, Tak
Cheung Building, No. 1 Hung Shui Kiu Main Street, Yuen Long
(RNTPC Paper No. A/YL-PS/490)

Presentation and Question Sessions

188. Mr K.C. Kan, STP/TM&YLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) eating place;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Relevant government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Although the development was not entirely in line with the planning intention of the “Residential (Group B)2” (“R(B)2”) zone, the proposed eating place on the ground floor of an existing composite building was considered not incompatible with the uses of the same building and the surrounding land uses. Relevant government departments had no objection to or no adverse comment on the application. Four similar applications had been approved within the same “R(B)2” zone since 2012,

approval of the current application was in line with the previous decisions of the Committee.

189. Members had no question on the application.

Deliberation Session

190. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission was subject to the following condition :

“ the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

191. The Committee also agreed to advise the applicant of the following :

- “(a) prior planning permission should have been obtained before commencing the development at the premises;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that the eating place is subject to the issue of a licence, the applicant is reminded that any proposed building works on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
- (c) to note the comments of the Director of Fire Services that detailed fire services requirements will be formulated upon receipt of formal submission of general building plans or referral from the licensing authority; and
- (d) to note the comments of the Director of Food and Environmental Hygiene that a valid food licence issued by his department should be obtained and any requirements/conditions stipulated by relevant departments for operation of a food business should be complied with. Also, no sanitary

nuisance should be created to the surrounding during the operation of the food business. If the operator intends to operate a restaurant business in the territory, a general restaurant/light refreshment restaurant licence should be obtained from his department in accordance with the Public Health and Municipal Services Ordinance (Cap. 132). The application for restaurant licence, if acceptable by his department, will be referred to relevant government departments, such as the BD, Fire Services Department, Planning Department, Lands Department (if necessary) for comment. If there is no objection from the departments concerned, a letter of requirements will be issued to the applicant for compliance and the licence will be issued upon compliance of all the requirements.”

Agenda Item 57

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/353 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in “Agriculture” zone, Lots 1347 (Part) and 1398 (Part) in D.D.117 and Adjoining Government Land, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/353)

Presentation and Question Sessions

192. Ms Bonita K.K. Ho, STP/TM&YWL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed temporary place of recreation, sports or culture (hobby farm) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in

paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from nature conservation point of view as the site was currently degraded with limited ecological value due to the unauthorised pond/land filling activities. Approving the subject application would set undesirable precedent effect on encouraging other similar unauthorised activities for “destroy first, build later” cases in the “Agriculture” (“AGR”) zone that would further degrade the habitat quality for wildlife usage. The Chief Town Planning/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from landscape planning perspective as the landscape character of the site had been significantly modified in the past year, and approval of the application would set an undesirable precedent to encourage site modification before submitting planning application. Moreover, the layout of the proposed temporary hobby farm was unlikely to restore the rural agricultural landscape character. The Commissioner for Transport (C for T) considered that further clarification on the car parking arrangement and trip generation/attraction of the proposed development was required;

- (d) during the first three weeks of the statutory publication period, six public comments were received. A member of the public expressed concerns on the potential impacts arising from the proposed development and considered that the application was not in line with the planning intention of the “AGR” zone. The other five comments submitted by Kadoorie Farm & Botanical Garden Corporation, World Wide Fund for Nature Hong Kong, Hong Kong Bird Watching Society, The Conservancy Association and Designing Hong Kong Limited objected to the application mainly on land use, environmental and ecological grounds. They pointed out that land/pond filling activities had been undertaken at the site in the past years which constituted a ‘destroy first, build later’ action; approval of the application would set an undesirable precedent for similar applications in the area posing adverse environmental and ecological impacts. Moreover, there were doubts on whether the site would be genuinely used for farming purpose and whether drainage and sewerage requirements of the

development had been met; and

- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The application which was a “Destroy First, Build Later” case should not be assessed based on the ‘destroyed’ state of the site. DAFC did not support the application in that the site was currently degraded with limited ecological value due to unauthorised pond/land filling activities and approving the application would set undesirable precedent effect. Moreover, any filling of pond was not supported from fisheries point of view. In view of the above, there was no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis. The proposed development involving the construction of 13 structures was not entirely compatible with the largely undisturbed rural surrounding comprising predominantly agricultural land with scattered structures. The landscape character of the site had been significantly modified and the applicant failed to demonstrate that the applied use would not generate adverse landscape impact on the surrounding areas. The current application was a “destroy first, build later” case and was the subject to two enforcement cases. The site was involved in a substantiated environmental complaint regarding land filling, dumping of construction waste and dust emission. No similar application was approved within the same “AGR” zone. Approving the application could be misread by the public as acquittal of the ‘destroy first’ actions and would encourage similar unauthorised pond/land filling and set an undesirable precedent. The cumulative effect of approving such similar applications, even on a temporary basis, would result in a general degradation of the rural environment and landscape quality of the area. Regarding the public comments, the above assessments were relevant.

193. A Member asked whether PlanD had maintained a record of a list of applicants who were involved in “destroy first, build later” cases and whether such information would be taken into account in assessing the applications. In response, Ms Bonita K.K. Ho, STP/TM&YLW, said that PlanD did not have such a record. In general, each application

would be considered based on individual merits taking into account the development proposal and the site background including previous applications.

Deliberation Session

194. The same Member agreed to PlanD's recommendation that the application should not be approved. To facilitate the Committee to make an informed decision, the Member suggested that consideration might be given to maintain a list of applicants who were previously involved in those 'destroy first, build later' cases. The maintenance of such record was in line with the Board's clear stance to discourage the adoption of 'destroy first, build later' practice. In response, the Vice-chairman said that enforcement action was taken in relation to an unauthorised development on a site. Information relating to enforcement action was maintained on a site-basis instead of an individual-basis as the applicant could easily get around with the bad record by changing names or requesting other individual to be the applicant. It was the normal practice of PlanD to include relevant information of the site including record of enforcement action into the paper for the Committee's consideration.

195. Another Member remarked that as it was difficult to reinstate the site to its original state after destruction, appropriate enforcement action should be taken to minimise 'destroy first, build later' cases in order to preserve the rural environment. The Vice-chairman recalled that Members were previously briefed about the enforcement procedure against suspected 'destroy first, build later' cases. He suggested that Members' concern would be referred to PlanD and that PlanD should continue to monitor closely the 'destroy first, build later' cases.

[Ms Janice W.M. Lai left the meeting at this point.]

196. A Member asked if enforcement actions against unauthorised developments on leased land should be taken by the Lands Department (LandsD). In response, the Secretary said that enforcement action against unauthorised development on private lot would be undertaken by the Planning Authority in accordance with the provision of the Town Planning Ordinance. Mr Edwin W.K. Chan, Assistant Director/Regional 3, LandsD said that in general, filling of land on agricultural lot was permitted under the lease.

197. The Committee noted that PlanD did not support the application. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper. After deliberation, the Committee decided to reject the application. The reasons for rejection were :

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the applicant fails to demonstrate that the proposed development would not generate adverse landscape impact on the surrounding areas; and
- (c) approving the application would set an undesirable precedent for similar applications within the “AGR” zone, the cumulative effect of which would result in a general degradation of the rural environment and landscape quality of the area.”

[Professor Eddie C.M. Hui left the meeting temporarily at this point.]

Agenda Item 58

Section 16 Application

[Open Meeting]

A/YL-TT/354 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lot 1241 S.A ss.9 in D.D.116, Yeung Uk Tsuen, Shap Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-TT/354)

198. The Committee noted that on 15.9.2015, after issuance of the Paper, the applicant wrote to the Town Planning Board requesting for deferment of consideration of the application for two months as more time was required for the applicant to prepare the further information in support of the application. The letter from the applicant was tabled at the meeting for Members' consideration. This was the first time that the applicant requested for deferment of the application.

199. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 59

Section 16 Application

[Open Meeting]

A/YL-TYST/732 Proposed Concrete Batching Plant in "Open Storage" zone, Lot 2631
RP in D.D.120, Shan Ha Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/732)

200. The Committee noted that the applicant's representative requested on 2.9.2015 for deferment of the consideration of the application for another two months in order to allow time for the applicant to address further departmental comments. This was the second time that the applicant requested for deferment of the application.

201. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the

applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information. Since it was the second deferment of the application and a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 60

Section 16 Application

[Open Meeting]

A/YL-TYST/752 Temporary Warehouse for Storage of Non-Staple Food for a Period of 3 Years in "Undetermined" zone, Lots 1220 RP (Part) and 1223 RP (Part) in D.D. 119 and Adjoining Government Land, Kung Um Road, Shap Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-TYST/752)

202. The Committee noted that the applicant requested on 1.9.2015 for deferment of the consideration of the application for two months in order to allow time for preparation of supplementary information to address the departmental comments. This was the first time that the applicant requested for deferment of the application.

203. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further

information and no further deferment would be granted unless under very special circumstances.

[Professor Eddie C.M. Hui returned to join the meeting at this point.]

Agenda Item 61

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/753 Renewal of Planning Approval for Temporary Open Storage of Construction Materials, Machinery and Scrap Metal with Ancillary Site Office for a Period of 3 Years in “Undetermined” and “Village Type Development” zones, Lots 322 S.A (Part), 323 (Part), 324 (Part) and 1421 (Part) in D.D. 119, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/753)

Presentation and Question Sessions

204. Ms Bonita K.K. Ho, STP/TM&Y LW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) renewal of planning approval for temporary open storage of construction materials, machinery and scrap metal with ancillary site office under Application No. A/YL-TYST/613 for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential use in the vicinity and environmental nuisance was expected. Other relevant government departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer/Yuen Long; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage of construction materials, machinery and scrap metal with ancillary site office could be tolerated for a further period of 3 years based on the assessments set out in paragraph 12 of the Paper. The applied use was not in conflict with the planning intention of the “Undetermined” (“U”) zone and the study for the use of the area had yet to be completed, the continuation of the applied use for a further period of 3 years would not frustrate the long-term use of the area. The development was not incompatible with the surrounding uses in the subject “U” zone comprising similar uses. The application was generally in line with the Town Planning Board (TPB) Guidelines No. 34B in that there had been no material change in planning circumstances since the granting of the previous approval; the approval conditions of the previous approval had been complied with; and the 3-year approval period sought was of the same timeframe as the previous approval. The application was also generally in line with TPB Guidelines No. 13E in that the concerns of relevant government departments were technical in nature and there were similar applications approved in that part of the “U” zone. Although DEP did not support the application, there had been no environmental complaint against the site in the past 3 years. To minimise possible environmental concerns, relevant approval conditions were recommended. The site was the subject of six previously approved applications for temporary uses and similar applications in the vicinity of the site for various temporary open storage/storage uses had been approved, approval of the renewal application was in line with the Committee's previous decisions.

205. Members had no question on the application.

206. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years from 6.10.2015 to 5.10.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling or other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (d) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to enter/exit the site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) all existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;

- (i) the submission of records of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.1.2016;
- (j) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.11.2015;
- (k) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.4.2016;
- (l) in relation to (k) above, the implementation of fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.7.2016;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

207. The Committee also agreed to advise the applicant of the following :

- “(a) to resolve any land issues relating to the development with the concerned owner(s) at the site;
- (b) the site should be kept in a clean and tidy condition at all times;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises of Old Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. Lot No. 323 in D.D.119 is covered by Short Term Waiver (STW) No. 3225 which permits structures erected thereon for the purpose of ancillary use to storage of scrap metal and construction materials. In addition, Lot No. 324 in D.D.119 is covered by STW No. 3457 which permits structures erected thereon for the purpose of open storage of construction materials, scrap metal and furniture (with ancillary site office). The STW holder(s) will need to apply to his office for modification of the STW conditions to regularize the irregularities on site. Besides, the lot owner(s) of the lot without STW will need to apply to his office to permit the structures to be erected or regularize any irregularities on site. Such application(s) will be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible through an informal track on Government Land (GL) and private land extended from Shan Ha Road. His office does not provide any maintenance work for GL involved nor guarantee any right-of-way;
- (d) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the site from Shan Ha Road shall be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track shall be clarified with the relevant management and maintenance authorities accordingly. Sufficient space should be provided within the site for manoeuvring of

vehicles and no parking is allowed on public road;

- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His Department shall not be responsible for the maintenance of any access connecting the site and Shan Ha Road;
- (f) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by Environmental Protection Department to minimise any potential environmental nuisances;
- (g) to note the comments of the Chief Engineer/Construction, Water Supplies Department that the water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSIs to be installed should also be clearly marked on the layout plans. The good practice guidelines for open storage (Appendix VI of the RNTPC Paper) should be adhered to. The applicant is also reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site and BD is not in a position to offer comments on their suitability for the use related to the

application. If the existing structures are erected on leased land without approval of BD, they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application. Before any new building works (including containers and open storage sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5 wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage."

Agenda Item 62

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/754 Renewal of Planning Approval for Temporary Storage of Advertisement Material with Ancillary Workshop for a Period of 3 Years in "Undetermined" zone, Lots 1198 S.A and S.C to S.G (Part), 1223 RP (Part) and 1224 RP (Part) in D.D. 119 and Adjoining Government Land, Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/754)

Presentation and Question Sessions

208. Ms Bonita K.K. Ho, STP/TM&YLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) renewal of planning approval for temporary storage of advertisement material with ancillary workshop under Application No. A/YL-TYST/609 for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential use in the vicinity and environmental nuisance was expected. Other relevant government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary storage of advertisement material with ancillary workshop could be tolerated for a further period of 3 years based on the assessments set out in paragraph 12 of the Paper. The applied use was not in conflict with the planning intention of the “Undetermined” (“U”) zone and the study for the use of the area had yet to be completed, the continuation of the applied use for a further period of 3 years would not frustrate the long-term use of the area. The development was not incompatible with the surrounding uses comprising similar open storage/storage and warehouse uses. The application was generally in line with the Town Planning Board Guidelines No. 34B in that there had been no material change in planning circumstances since the granting of the previous approval; the approval conditions of the previous approval had been complied with; and the 3-year approval period sought was of the same timeframe as the previous approval.

Although DEP did not support the application, there had been no environmental complaint against the site in the past 3 years. To minimise possible environmental concerns, relevant approval conditions were recommended. The site was the subject of three previously approved applications submitted by the same applicant and the Committee had approved similar applications for temporary warehouse use in the vicinity of the site, approval of the renewal application was in line with the Committee's previous decisions.

209. Members had no question on the application.

Deliberation Session

210. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years from 10.10.2015 to 9.10.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no storage at the open area of the site, as proposed by the applicant, is allowed during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) the submission of records of the existing drainage facilities on the site

within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.1.2016;

- (g) the submission of run-in/out proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Highways or of the TPB by 10.4.2016;
- (h) in relation to (g) above, the provision of run-in/out within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Highways or of the TPB by 10.7.2016;
- (i) the submission of a landscape and tree preservation proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 10.4.2016;
- (j) in relation to (i) above, the implementation of a landscape and tree preservation proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 10.7.2016;
- (k) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.4.2016;
- (l) in relation to (k) above, the implementation of fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.7.2016;
- (m) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without

further notice;

- (n) if any of the above planning conditions (f), (g), (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

211. The Committee also agreed to advise the applicant of the following :

- “(a) to resolve any land issues relating to the development with the concerned owner(s) at the site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises government land (GL) and Old Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No permission has been given for the occupation of the GL (about 24m² subject to verification) within the site. Attention is drawn to the fact that the act of occupation of GL without Government’s prior approval should not be encouraged. The lot owners concerned will need to apply to his office to permit any structure to be erected or regularize the irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application including granting of GL will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible through an informal track on GL extended

from Kung Um Road. His office does not provide maintenance work for the GL involved nor guarantee any right-of-way;

- (c) to note the comments of the Commissioner for Transport that sufficient space within the site should be provided for manoeuvring of vehicles. In addition, no parking is allowed on public road;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should construct a run-in/out at Kung Um Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His Department shall not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (e) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by Environmental Protection Department to minimise any potential environmental nuisances;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that when comparing the landscape proposal of the current application and the implemented landscape proposal of the previous application, it is noted that Tree No. 10 is missing on plan (Drawing A-3 of the RNTPC Paper). Revision of the landscape proposal is required;
- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with

dimensions and nature of occupancy and the location of where the proposed FSIs to be installed should also be clearly marked on the layout plans. The applicant is also reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application. Before any new building works (including temporary buildings) are to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5 wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.”

Agenda Item 63

Section 16 Application

[Open Meeting]

A/YL/214 Temporary Shop and Services (Real Estate Agency) for a Period of 6 Years in “Government, Institution or Community” zone, Lot 256 S.B ss. 16 (Part) in D.D. 120, Castle Peak Road - Ping Shan, Yuen Long
(RNTPC Paper No. A/YL/214)

212. The Committee noted that the applicant requested on 31.8.2015 for deferment of the consideration of the application for two months in order to allow time to address the comments of the Civil Engineering and Development Department. This was the first time that the applicant requested for deferment of the application.

213. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information and no further deferment would be granted unless under very special circumstances.

[The Vice-chairman thanked Mr Vincent T.K. Lai, Mr K.C. Kan and Ms Bonita K.K. Ho, STPs/TMYLW, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

Agenda Item 64

Any Other Business

214. There being no other business, the meeting closed at 6:10 p.m..